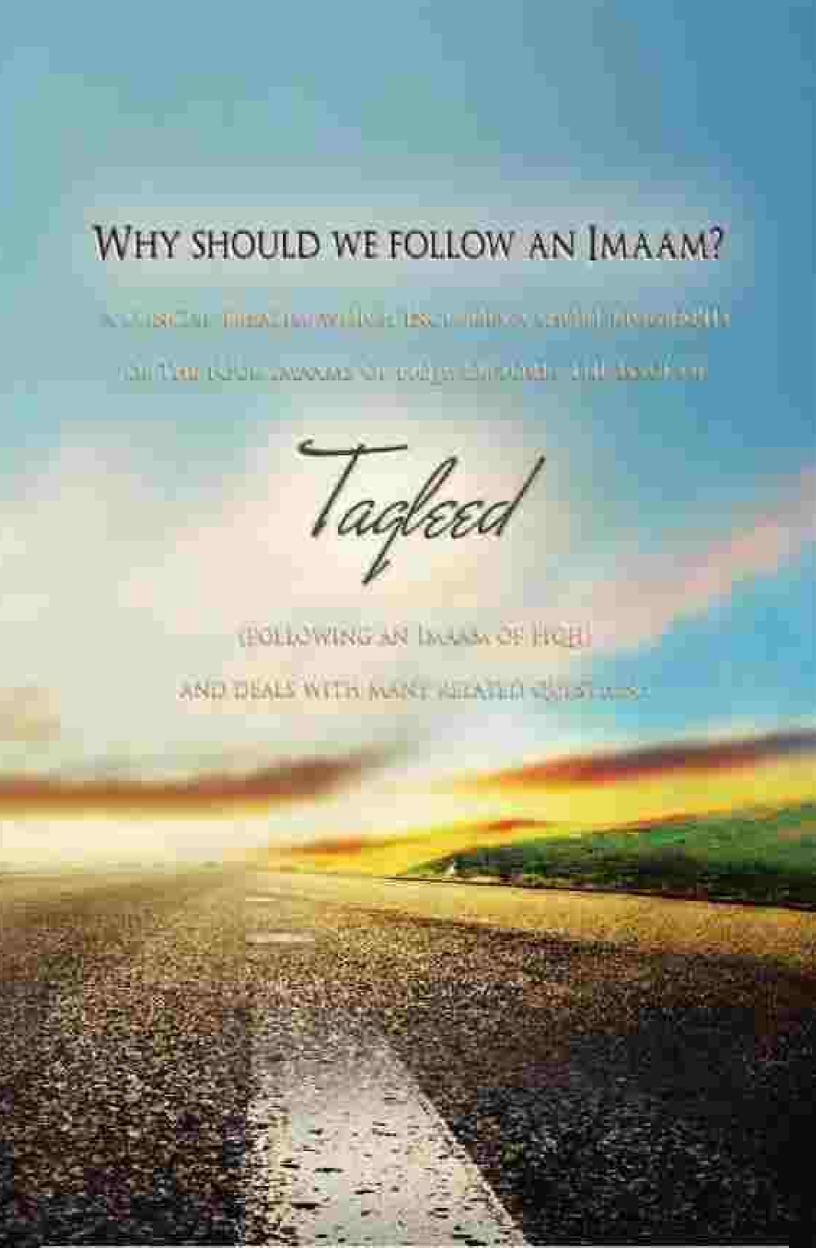

WHY SHOULD WE FOLLOW AN IMAAM?
Taqleed
(FOLLOWING AN IMAAM OF FIQH)
AND DEALS WITH MANY RELATED QUESTIONS

Why should we follow an Imaam?

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The author, translators, editors and typesetters humbly request your du'aas for them, their parents, families, mashaayikh and asaatiza.

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By Hadhrat Mufti Abul Qaasim Nu’maani Saheb (Daamat Barakaatuhum)

All praise is due to Allah Ta’ala and may peace and salutations be upon His noble Rasul and Nabi.

I was introduced to the book “Why should we follow an Imaam?” which was recently prepared by my honourable friend, Moulana Zakaria Makada, a graduate of Madrasah Taleemuddeen, Isipingo Beach, Durban, South Africa.

The fitnah of ghair muqallidiyyat (abandoning the following of a mazhab) is an extremely dangerous and overwhelming fitnah of contemporary times. Generally, simple-minded youngsters as well as unwary Muslims, who are uneducated of the basics of Deen, but have the desire for practice, fall prey to this fitnah. The picture painted by those who abandon following of mazhabs seems very attractive and appealing to the layman as he is invited towards following the Qur’aan and Hadith directly opposed to following an

Imaam. Furthermore, a calculated effort is being made to cause the Ummah to abandon the safe path which the Ummah treaded upon for many centuries. As a result, doubts and suspicions are instilled regarding the great Imaams, the pious of the past and at times even regarding the illustrious Sahaabah (Radhiyallahu Anhum).

In this recent book, after examining Ghair Muqallidiyyat, the author has expounded on the meaning of taqleed and following an Imaam, and has shown the safety in adopting this path.

I hope that this will assist the Ummah in understanding this topic and prove beneficial for those who have steered away from the truth.

May Allah Ta'ala accept this work and grant the author the ability to render more work and service in Deen.

Was Salaam

(Hadhrat Mufti) Abul Qaasim Nu'maani (Daamat Barakaatuhum)

Rector/principal Darul Uloom Deoband.

24/01/2014

Foreward

By Hadhrat Moulana Muhammad Ilyas Patel Saheb (Daamat Barakaatuhum)

In every field of life there are two groups: Those who are experts of that field and those who are not. The non-experts have always followed the experts of the field. Let alone the lay-person, even the one who has some significant degree of acquaintance with the field follows the principles, guidelines and deductions from the experts of the field. A general practitioner is well trained to diagnose most illnesses and administer treatment. However, despite his years of study, he follows the principles and the deductions of the expert physicians who are recognised authorities in the field.

Allah Ta'ala has ordained the same natural procedure for Deen. Allah Ta'ala declares in the glorious Qur'aan: "And ask those of knowledge if you do not know". Thus the foundation for Taqleed (following an expert) has been laid in the Qur'aan.

In order to highlight the importance of Taqleed and the dangers of abandoning this natural procedure in life, Moulana Zakaria

Makada Saheb, an Ustaad of Hadith at Madrasah Ta'leemuddeen, Isipingo Beach, has ably presented this treatise.

(Hadhrat Moulana) Muhammad Ilyas Patel

Senior Ustaad of Hadith

Madrasah Ta'leemuddeen

Isipingo Beach – South Africa

Introduction

It is the Islamic duty of every individual to search for the truth. During this search one will come across different sects and groups all inviting him under the banner of Islam to adopt their way. What should a person do at such a time? How should he differentiate haqq (truth) from baatil (falsehood)? In this regard, Rasulullah ﷺ gave the Ummah some guidelines to follow in order to understand whether a group is on the right path or not. Nabi ﷺ declared that the group that holds on firmly to his way and the way of the Sahaabah, are the rightly guided ones. All other groups are deviated from the truth of Islam.

عن عبد الله بن عمرو قال قال رسول الله صلى الله عليه و سلم ليأتين على أمتي ما أتى على بني إسرائيل حذو النعل بالنعل حتى إن كان منهم من أتى أمه علانية لكان في أمتي من يصنع ذلك وإن بني إسرائيل تفرقت على ثنتين وسبعين ملة وتفترق أمتي على ثلاث وسبعين ملة كلهم في النار إلا ملة واحدة قالوا ومن هي يا رسول الله قال ما أنا عليه وأصحابي[1]

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[1] ترمذي ٢/٩٣

It is reported from Abdullah bin Amr رضي الله عنه that Rasulullah ﷺ said: "My Ummah will be faced with conditions similar to which the Bani Israaeel experienced; like a pair of shoes, one foot is identical to the other, to such an extent that if there was a situation in the Bani Israaeel where a person openly committed incest with his mother, there will be someone in my Ummah who will perpetrate such a crime. The Bani Israaeel were divided into seventy two sects, and my Ummah will be divided into seventy three sects. Each of them will be destined for Jahannam except one." The Sahaabah-e-Kiraam رضي الله عنهم asked: "Which group will be saved from the fire of Jahannam?" Nabi ﷺ answered: "Those who tread upon my way and the way of my Sahaabah رضي الله عنهم."

In this era, there are numerous groups and sects. Every group claims to be on the way of Rasulullah ﷺ and the Sahaabah رضي الله عنهم. Thus one is faced with a dilemma as to who he should follow. What is the criteria to determine which group is treading upon the path of Rasulullah ﷺ and the Sahaabah رضي الله عنهم? Rasulullah ﷺ explained the basis on which one will judge who is on the correct path, as mentioned in the following Hadith:

عن أبي هريرة رضي الله عنه قال قال رسول الله صلى الله عليه وسلم إني قد خلفت فيكم ما لن تضلوا بعدهما ما أخذتم بهما أو عملتم بهما كتاب الله وسنتي ولن تفرقا حتى يردا على الحوض [١]

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[١] السنن الكبرى للبيهقي ١٠/١١٤

It is reported from Hadhat Abu Hurairah ؓ that Rasulullah ﷺ said: "I have left two sources of guidance for you to adopt. You will never be misguided as long as you hold fast onto these two. The first is the book of Allah and the second is my Sunnah. These two are inseparable and will meet me at the Haudh-e-Kawthar.

When we examine the lives of the four Imaams, the outstanding feature which we notice is that they strictly adhered to the book of Allah Ta'ala and the Mubaarak Sunnah of Rasulullah ﷺ in every facet of their lives. They could be aptly described with the following words: "They were a personification of the Sunnah of Rasulullah ﷺ in every walk of life in entirety." If per chance one has to come across any situation where their mazaahib apparently contradict certain Ahaadith, he will certainly find sufficient substantiation through other Ahaadith, together with reconciling between the Ahaadith adopted and the Ahaadith which were apparently left out. Their approach to the Qur'aan and Hadith in deducing masaa'il was one governed strictly by principles of Deen deduced from the Qur'aan and Sunnah. It was certainly not an approach of personal opinion nor an approach of "pick and choose", as is witnessed in today's times. Hence, one can safely reach the conclusion that these four Imaams (whose mazaahib stood the test of time for approximately thirteen centuries) are worthy of emulation in guiding us to Allah and His Rasul ﷺ.

This book is for those who wish to reach the truth with regard to the topic of Taqleed, i.e. the need to follow an Imaam in order for one to be able to correctly practice on the Qur'aan and Sunnah. It

also highlights the dangers that one will face in abandoning Taqleed of one of the four Imaams and adopting the path of the ghair muqallideen (those who do not follow an Imaam). Insha Allah, if this book is studied without prejudice, it will prove beneficial in creating the correct mindset and understanding of Deen within the reader.

We make du'aa that Allah Ta'ala accept this humble effort and crown it with success and divine acceptance. Aameen

The Object of man’s existence

The Object of man’s existence on earth is to recognize, worship and serve his Creator, Allah Ta’ala. Everything else is secondary.

Worship of Allah Ta’ala is not restricted to the five pillars (Imaan, Salaah, Zakaah, Fasting and Haj). Instead it encompasses every facet of life from eating to answering the call of nature, from business to marriage and from being the head of the household to being the leader of the state.

In order to teach man how to worship Allah Ta’ala in every aspect of life, by performing every action in a manner that is pleasing to Him, Allah Ta’ala sent messengers and revealed His books of guidance. The last and final messenger was Sayyiduna Rasulullah ﷺ and the last book that was revealed upon him was the Qur’aan. Gaining salvation in this world and the next is now only possible by following the Qur’aan and the noble Sunnah of Rasulullah ﷺ.

The Qur'aan

The primary source of guidance revealed to mankind from Allah Ta'ala is the Qur'aan. The Noble Qur'aan in its entirety is a means of guidance for mankind at large. It (the Noble Qur'aan) comprises of incidents and events of the past nations, scenes of the Hereafter, admonishments for the evil-doers and glad-tidings for the pious, etc. Similarly it also comprises of laws and injunctions of Shari'ah.

With regard to the verses of the Qur'aan that explain stories and events of the past nations, scenes of the Hereafter, etc., Allah Ta'ala declares:

وَلَقَدْ يَسَّرْنَا الْقُرْاٰنَ لِلذِّكْرِ فَهَلْ مِنْ مُّدَّكِرٍ

And We have indeed made the Qur'aan easy to understand and seek advice, then is there anyone to seek advice? (Surah Qamar 54/40)

As far as these verses are concerned (i.e. stories and events of the past nations), they are easily comprehendible to any person conversant in the Arabic language or even those who refer to the translations of the Holy Qur'aan. As for those verses of the Qur'aan which discuss Shar'i laws and injunctions, let alone those who are well conversant in the Arabic language, even the Sahaabah ﷺ were unable to fathom the meanings of such verses or unravel their hidden secrets without the intermediary of Rasulullah ﷺ.

Referring to the Qur'aan without the Medium of Rasulullah ﷺ

Amongst the many duties of prophet-hood assigned to Nabi ﷺ, one of his duties was to verbally explain as well as physically demonstrate to the Ummah the details and particulars of the Shar'i laws contained in the Noble Qur'aan. Allah Ta'ala says:

وَ اَنْزَلْنَآ اِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ اِلَيْهِمْ وَلَعَلَّهُمْ يَتَفَكَّرُوْنَ

And We have sent down the Qur'aan (the reminder) to you so that you explain to the people what has been revealed for them, and so that they reflect. (Surah Nahl 16/44)

For example the Noble Qur'aan declares:

وَاَقِيْمُوا الصَّلٰوةَ

Establish Salaah (Surah Baqarah 2/43)

If one has to study the Qur'aan in depth he will not find any details mentioned of the five fardh Salaah; viz. Fajr, Zuhr, Asr, Maghrib and Esha nor will he find the exact number of the rakaats for each Salaah. Other related aspects such as the sunan, waajibaat, faraaidh, or the factors which invalidate or decrease the spirit of the Salaah are also not mentioned. One will be compelled to refer to the Sunnah[1] for these details since it is in reality a commentary of the

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[1] Known as "Wahi ghair matloo".

Qur'aan. Similar is the case of Zakaah, Saum, Haj and the remainder injunctions of Shari'ah. Hence we understand that following the Ahaadith of Rasulullah ﷺ is akin to obeying Allah Ta'ala, as mentioned in the aayah:

مَنْ يُّطِعِ الرَّسُوْلَ فَقَدْ اَطَاعَ اللّٰهَ

He who obeys the Rasul ﷺ obeys Allah Ta'ala. (Surah Nisa' 4/80)

Nabi ﷺ himself directed our attention to this point in the following Hadith:

عن أبي هريرة رضي الله عنه أن رسول الله صلى الله عليه وسلم قال كل أمتي يدخلون الجنة إلا من أبى قالوا ومن يأبى قال من أطاعني دخل الجنة ومن عصاني فقد أبى

It is reported from Abu Hurairah رضي الله عنه that Nabi ﷺ said: "My entire Ummah will gain entry into paradise except those who reject." The Sahaabah رضي الله عنهم enquired: "And who are those who reject (O Nabi of Allah ﷺ)." Nabi ﷺ replied: "Those who follow my Sunnah (way) will surely enter paradise and those who disobey me are the rejectors." (Bukhaari 2/1081)

This statement of Nabi ﷺ clearly establishes the fact that one cannot gain salvation without the medium of Rasulullah ﷺ.

Furthermore, it is impossible for one to understand all the verses of the Qur'aan without the agency of the Ahaadith of Rasulullah ﷺ, even though he may be a Sahaabi (the first recipient of the Qur'aan).

With regards to the following verse of the Holy Qur'aan:

وَ كُلُوۡا وَاشۡرَبُوۡا حَتّٰى يَتَبَيَّنَ لَـكُمُ الۡخَـيۡطُ الۡاَبۡيَضُ مِنَ الۡخَـيۡطِ الۡاَسۡوَدِ مِنَ الۡفَجۡرِ

And eat and drink until the white thread of dawn appears to you distinct from its black thread. (Surah Baqarah 2/187)

Hadhrat Adi bin Hatim ﷺ tried to apply his own intellect in understanding the intended meaning of the verse and hence reached an erroneous conclusion. Subsequently he expressed what he understood before Rasulullah ﷺ. Rasulullah ﷺ corrected him and explained the correct meaning of the verse.

This entire incident is reported by Imaam Ahmad bin Hambal رحمة الله عليه :

وقال الإمام أحمد حدثنا هشيم أخبرنا حصين عن الشعبي أخبرني عدي بن حاتم قال لما نزلت هذه الآية (وكلوا واشربوا حتى يتبين لكم الخيط الأبيض من الخيط الأسود) عمدت إلى عقالين أحدهما أسود والآخر أبيض قال فجعلتهما تحت وسادتي قال فجعلت أنظر إليهما فلا تبين لي الأسود من الأبيض، ولا الأبيض من الأسود، فلما أصبحت غدوت على رسول الله صلى الله عليه وسلم فأخبرته بالذي صنعت فقال إن وسادك إذا لعريض إنما ذلك بياض النهار وسواد الليل

Imaam Sha'bi reports that Hadhrat Adi bin Hatim ﷺ related to me that when the above verse of the Qur'aan was revealed, I took two pieces of thread (one thread was black and the other white). I then placed both the

threads beneath my pillow. I stared at the threads for a long time expecting to see the white thread becoming more clear and visible from the black thread so that I may then abstain from eating. However, the entire night passed and in the morning I came to Nabi ﷺ and I had expressed what I had understood from the verse and what I had done during the night. Nabi ﷺ smiled and remarked: "If the meaning of the verse is as you have understood, then your pillow is indeed very wide. For indeed the white and black threads implied in the verse refer to the brightness of the day and the darkness of the night." [1]

[1] Tafsir Ibn Kathir – Surah Baqarah (1/237). Abu Dawood Pg. 321.

عن عدي بن حاتم قال: لما نزلت هذه الآية حتى يتبين لكم الخيط الأبيض من الخيط الأسود قال (عدي) أخذت عقالا أبيض وعقالا أسود فوضعتهما تحت وسادتي فنظرت فلم أتبين فذكرت ذلك لرسول الله صلى الله عليه وسلم فضحك فقال إن وسادك إذن لطويل عريض إنما هو الليل والنهار "وقال عثمان" إنما هو سواد الليل وبياض النهار. (رواه ابو داود)

The History of the Taqleed of the Four Imaams

A common question posed by many people is: "If the Ahaadith of Rasulullah ﷺ are a commentary of the Noble Qur'aan, then what is the need for making Taqleed of an Imaam?"

In order to understand the answer to this question, a brief discussion of the history of the mazaahib (schools of thought) is necessary.

It is the divine system of Allah Ta'ala that He provided means for the fulfilment of every need of man. Furthermore, in proportion to the need, adequate means have been provided for its fulfilment. Consider the need for water and air. Besides raining down water from the skies, Allah Ta'ala made it possible to acquire water from many sources with relative ease. As for air, since man requires air every second, it has been provided free everywhere. All one needs to do is breathe. Thus Allah Ta'ala has provided for all the physical needs of man.

More important than every physical need is the spiritual need of man. He needs to recognise his creator and worship Him. This is the purpose of his existence on earth. Hence Allah Ta'ala instituted divine measures to fulfil this greatest need of every human being.

Allah Ta'ala declares in the glorious Qur'aan:

اِنَّا نَحۡنُ نَزَّلۡنَا الذِّكۡرَ وَ اِنَّا لَهٗ لَحٰفِظُوۡنَ

Certainly We are the ones who revealed the Qur'aan and surely We have taken the responsibility of safeguarding it. (Surah Hijr 15/9)

In this verse Allah Subhaanahu wa Ta'ala explicitly and emphatically declares that He Himself has taken the responsibility of protecting the Qur'aan. For the enactment of this divine responsibility of protecting the greatest book "Al-Qur'aan", Allah Subhaanahu wa Ta'ala utilized the greatest of His creation after the Ambiyaa عليهم السلام, who were none other than the auspicious Sahaabah ﷺ.

Then came the time for the compilation and preservation of the commentary of the Qur'aan (i.e. the Ahaadith of Rasulullah ﷺ). For this mammoth task Allah Ta'ala utilized the Sahaabah ﷺ as well as the Taabi'een and the Tab-e-Taabi'een رحمة الله عليهم.

Thereafter the need arose for the compilation and preservation of the laws of the Qur'aan and Hadith. Systemizing the laws of Shari'ah required discerning and differentiating between the previous abrogated laws and the latter laws which replaced them, deciphering between the authentic and unauthentic narrations, categorizing the status of injunctions and prohibitions (fardh, waajib, sunnah, mustahab, mubaah, haraam, makrooh-e-tahrimi, makrooh-e-tanzihi, khilaaf-e-awlaa) and finally formulating principles in the light of Qur'aan and Hadith which govern the deduction of non-textual situations. All of the above needed to be accomplished in order to correctly practise upon each law of

Shari'ah in the manner it was revealed by Allah Ta'ala upon Rasulullah ﷺ.

The accomplishment of such a tremendous task was only possible by a selected class of Allah's servants, whose phenomenal expertise and unparalleled proficiency cover every science of Deen. This class of people are classified in the terminology of the jurists as "Mujtahideen".

There were only a limited number of these highly qualified specialists of Deen in the time of the Sahaabah رضي الله عنهم, Taabi'een and Tab-e-Taabi'een رحمة الله عليهم.

From the Sahaabah رضي الله عنهم:

Among the Sahaabah رضي الله عنهم, the following personalities were known as the Mujtahideen:

The four Khulafaa-e-Raashideen رضي الله عنهم, Abdullah bin Mas'ood, bin Abbaas, Abdullah bin 'Amr, Abdullah bin Umar, Mu'aaz bin Jabal and a few others رضي الله عنهم.

From the Taabi'een and Tab-e-Taabi'een:

Among the well-known Mujtahideen of the second era were:

Imaam Abu Hanifah, Sha'bi, Ebrahim Nakhai, Alqamah, Imaam Maalik, Imaam Shaafi'ee, Imaam Ahmad, Imaam Auzaa'ee, Laith bin Sa'd and others رحمة الله عليهم.

Only Allah Ta'ala knows, in His infinite and unquestionable wisdom, why He hand-picked this elite group for the office of Ijtihaad. These special servants of Allah Ta'ala continued to serve the creation and water the fields of Deen. In their era they were the centre of attraction in solving the Deeni masaa'il (Questions pertaining to Deen) of the day.

The mazaahib of many of these great men were recorded for the benefit of the coming generations. However, with the passage of time, due to the various wars and other tragic situations recorded in history, the works of these Mujtahideen in its entirety were no longer preserved. Hence to date, only scattered portions of undetailed information regarding their mazhabs have been recorded. It was the divine decree of Allah Ta'ala that only the works of the four A'immah-Mujtahideen, in its entirety, remain preserved.

Furthermore, the latter Ulama thoroughly examined and scrutinized the mazahib of these four Imaams in the light of Qur'aan and Hadith. For centuries thereafter these mazaahib were tried and tested by the luminaries of Islam, the likes of Imaam Daare-Qutni, Hafiz Baihaqi, Hafiz bin Hajar, Allamah Aini, Imaam Nawawi, Hafiz Zaila'ee, Imaam Tahaawi, Hafiz bin Abdil Bar, bin Arabi, Hafiz ibnul Jawzi and many others.

Thus the four mazaahib received the acceptance of thousands of specialists. All these doctors of their field unanimously attested to the unmatched mastery of the four Imaams and admitted their inability to produce a masterpiece mazhab like that of these

Imaams. These Ulama further supported and corroborated the four mazaahib, that all are firmly based on the Qur'aan and Sunnah.

Hence in this time and age, for one to intend to personally review the Shari'ah and formulate principles that govern the deduction of masaail would be akin to re-inventing the wheel.

Nevertheless, the Ulama are in agreement that although the doors of Ijtihaad have not been closed, however, after the third century no one has met the criteria of being a mujtahid. Those people who claimed to be on the pedestal of Ijtihaad were tested by the Ulama of the time and after being proven academically incompetent, were disqualified and rejected.

What is Taqleed?

Taqleed is to accept the view of an Imaam with confidence that his view conforms to the Qur'aan and Sunnah though one may be unaware of the proofs of the Imaam. [1]

Is Taqleed supported by the Qur'aan?

The injunction of Taqleed is established through many verses of the Qur'aan. By way of example, a few verses will be cited below:

وَّاتَّبِعْ سَبِيْلَ مَنْ اَنَابَ اِلَيَّ

Follow the path of those who turn to Me [Allah Ta'ala]. (Surah Luqman 31:15)

فَسْئَلُوْٓا اَهْلَ الذِّكْرِ اِنْ كُنْتُمْ لَا تَعْلَمُوْنَ

Ask the people of knowledge if you do not know. (Surah An-Nahl 16:43)

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْٓا اَطِيْعُوا اللّٰهَ وَاَطِيْعُوا الرَّسُوْلَ وَ اُولِي الْاَمْرِ مِنْكُمْ

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١ التقليد هو الأخذ بقول الغير بغير معرفة دليله (شرح عقود رسم المفتي ص٢٣ – قديمي كتب خانه كراتشي)

O you who believe obey Allah, the Rasul and the people of authority amongst you. (Surah Nisa 4:59)

The Mufassireen (the likes of Abu Bakr Jassaas, Allamah Aaloosi and Imaam Raazi) commentate that "ulil amr" in this verse refers to the Ulama and the Fuqahaa of the Ummah. Hence, the compulsion of Taqleed is established from this verse.

The renowned Aalim of the Ahle Hadith (those who claim to be following the Hadith), Nawaab Siddique Hasan confirms the above commentary in his kitaab Al-Junnah thus saying:

قال ابن عباس ، وجابر ، والحسن ، وأبو العالية وعطاء والضحاك ومجاهد والإمام أحمد "هم العلماء" [١]

According to bin Abbaas, Jaabir ﵁, Hasan, Abul Aaliyah, Ataa', Dahhaak, Mujaahid and Imaam Ahmad رحمة الله عليهم "ulil amr" in this verse refers to the Ulama.

Nawaab Siddique Hasan further states:

والتحقيق أن الأمراء إنما يطاعون إذا أمروا بمقتضي العلم ، فطاعتهم تبع لطاعة العلماء كما أن طاعة العلماء تبع لطاعة الرسول صلى الله عليه وسلم [٢]

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[١] فتاوى دار العلوم زكريا ١٤١/١

[٢] فتاوى دار العلوم زكريا ١٤١/١

If this verse is with reference to the Islamic rulers, then too Taqleed of the Ulama cannot be disproven. The reason being that obeying the command of the rulers is subject to the approval of the Ulama, just as the rulings of the Ulama are subject to being in conformity with the teachings of Rasulullah ﷺ.

Is Taqleed supported by the Ahaadith of Rasulullah ﷺ?

The injunction of Taqleed is supported by many Ahaadith of Rasulullah ﷺ. Hereunder, a few Ahaadith will be presented:

In the blessed era of Rasulullah ﷺ, Hadhrat Mu'aaz bin Jabal رضي الله عنه was nominated as the governor of Yemen by Rasulullah ﷺ. Rasulullah ﷺ commanded the people of Yemen to refer their Deeni issues to Hadhrat Mu'aaz رضي الله عنه. Hence, Taqleed commenced in the noble era of Rasulullah ﷺ with the permission of Rasulullah ﷺ.

عن الأسود بن يزيد قال أتانا معاذ باليمن معلما وأميرا فسألناه عن رجل توفي وترك ابنة وأختا فقضى للإبنة بالنصف وللأخت بالنصف ورسول الله صلى الله عليه وسلم حي[1]

Aswad bin Yazeed reports: "Hadhrat Mu'aaz رضي الله عنه came to the people of Yemen as a teacher and a leader. The people of Yemen enquired from him

[1] البخاري ٩٩٧/٢

regarding a person who passed away leaving behind a daughter and a sister. Mu'aaz ﵁ issued a verdict that half of the estate will be given to the daughter and the remaining half will be given to the sister. This occurred during the lifetime of Rasulullah ﷺ."

وعن حذيفة قال قال رسول الله صلى الله عليه وسلم إني لا أدري ما بقائي فيكم فاقتدوا باللذين من بعدي و اشار الى أبي بكر وعمر[١]

حدثنا الحسن بن الصباح البزار حدثنا سفيان بن عيينة عن زائدة عن عبد الملك بن عمير عن ربعي عن حذيفة قال قال رسول الله صلى الله عليه و سلم اقتدوا باللذين من بعدي أبي بكر و عمر[٢]

Huzaifah ﵁ reports that Rasulullah ﷺ said: "I do not know how long I will be amongst you. Therefore, follow the two who are to come after me, Abu Bakr and Umar رضي الله عنهما."

Note: From the above-mentioned two Ahaadith we understand that Nabi ﷺ did not ask the people of Yemen to directly refer to the Hadith. Instead, they were asked to refer to Hadhrat Mu'aaz ﵁ for Shar'i guidance and rely upon what he says. The reason for Nabi ﷺ instructing the people of Yemen (and similarly the entire Ummah)

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[١] سنن الترمذي ٢/٢٠٧

[٢] سنن الترمذي ٢/٢٠٧

to make Taqleed is that every person is not capable of correctly extracting laws from the Qur'aan and Hadith. Referring to the Qur'aan and Hadith is the responsibility of highly qualified specialists of the Ummah, known as the A'immah-e-Mujtahideen. Accordingly, in the second Hadith Nabi ﷺ instructed us to follow the guidelines given by Abu Bakr and Umar رضي الله عنهما. Furthermore, Nabi ﷺ did not ask us to question their authenticity or query their proofs for they possessed the total capability of correctly deducing laws from the Qur'aan and Hadith. Rather, he asked us to merely follow what they said. In essence, this is Taqleed.

وحدثني عن مالك عن عثمان بن حفص بن خلدة عن بن شهاب عن سالم بن عبد الله عن عبد الله بن عمر :انه سئل عن الرجل يكون له الدين على الرجل إلى أجل فيضع عنه صاحب الحق ويعجله الآخر فكره ذلك عبد الله بن عمر ونهى عنه [١]

Saalim reports that ibn Umar رضي الله عنهما was asked regarding a person who was owed money on credit, whether it would be permissible for him to waive a portion of the debt in exchange of early payment. Ibn Umar disliked the idea and prohibited it.

Note: Moulana Thanwi رحمة الله عليه explained that in this narration, we find that ibn Umar رضي الله عنهما issued a verdict without furnishing any proof for his decision, nor did the questioner enquire from him

[١] الموطأ برواية يحيى ص٦٠٦

regarding the proof of his ruling. Instead, he relied upon ibn Umar's رضي الله عنهما ruling since he recognised the high status and position ibn Umar رضي الله عنهما held in the field of deducing laws from the Qur'aan and Hadith. Thus, we conclude that Taqleed was practised in the very noble era of Rasulullah ﷺ. [1]

Is Taqleed-e-Shakhsi (following one specific person) supported from the Hadith

عن الحارث بن عمرو عن رجال من أصحاب معاذ : أن رسول الله صلى الله عليه و سلم بعث معاذا إلى اليمن فقال كيف تقضي ؟ فقال أقضي بما في كتاب الله قال فإن لم يكن في كتاب الله ؟ قال فبسنة رسول الله صلى الله عليه و سلم قال فإن لم يكن في سنة رسول الله صلى الله عليه و سلم ؟ قال أجتهد رأيي قال الحمد لله الذي وفق رسول رسول الله صلى الله عليه و سلم [٢]

It is reported that when Rasulullah ﷺ dispatched Hadhrat Mu'aaz رضي الله عنه to Yemen, he asked him, "What procedure will you adopt when passing decisions in the affairs of the Muslims?" Mu'aaz رضي الله عنه replied: "I will decide in

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[1] At-taqleed pg.10

[٢] سنن الترمذي ١/٢٤٧

accordance to the Qur'aan." Nabi ﷺ then asked him: "If a law is not found in the Qur'aan then what will you do?" He replied, "I will refer to the Ahaadith of Rasulullah ﷺ." Nabi ﷺ then questioned him: "If the ruling is not found in the Ahaadith, then what will you do?" He replied: "I will employ my ability of reasoning (Ijtihaad) in reaching a conclusion." Upon hearing this, Nabi ﷺ said: "All praise be to Allah who inspired the messenger of Rasulullah ﷺ (Mu'aaz ﷺ) with the correct guidance." [1]

Under the commentary of the above-mentioned Hadith, some scholars of Hadith explain: [2]

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١ قال ابن القيم في "إعلام الموقعين" ١/١٥٥:

فهذا حديث وإن كان عن غير مسمين فهم أصحاب معاذ فلا يضره ذلك لأنه يدل على شهرة الحديث وأن الذي حدث به الحارث بن عمرو عن جماعة من أصحاب معاذ لا واحد منهم وهذا أبلغ في الشهرة من أن يكون عن واحد منهم لو سمي كيف وشهرة أصحاب معاذ بالعلم والدين والفضل والصدق بالمحل الذي لا يخفى ولا يعرف في أصحابه متهم ولا كذاب ولا مجروح بل أصحابه من أفاضل المسلمين وخيارهم لا يشك أهل العلم بالنقل في ذلك كيف وشعبة حامل لواء هذا الحديث وقد قال بعض أئمة الحديث إذا رأيت شعبة في إسناد حديث فاشدد يديك به قال أبو بكر الخطيب وقد قيل إن عبادة بن نسى رواه عن عبد الرحمن بن غنم عن معاذ وهذا إسناد متصل ورجاله معروفون بالثقة على أن أهل العلم قد نقلوه واحتجوا به فوقفنا بذلك على صحته عندهم كما وقفنا على صحة قول رسول الله ص – لا وصية لوارث وقوله في البحر هو الطهور ماؤه الحل ميتته وقوله إذا اختلف المتبايعان في الثمن والسلعة قائمة تحالفا وترادا البيع وقوله الدية على العاقلة وإن كانت هذه الأحاديث لا تثبت من جهة الإسناد ولكن ما تلقتها الكافة عن الكافة غنوا بصحتها عندهم عن طلب الإسناد لها فكذلك حديث معاذ لما احتجوا به جميعا غنوا عن طلب الإسناد له انتهى كلامه

٢ قوله: [فقال له كيف تقضي] سأله عن ذلك وهو عالم بأنه إذ لو لم يكن له علم بأنه عارف بأصول القضاء فسأله ليعلموا مزيته فيما بينهم وأن المقدم في الحكم هو الكتاب ، ثم السنة ثم القياس ، وهذا هو

The purpose for Nabi ﷺ questioning Hadhrat Mu’aaz ؓ in the following manner was, so that the people may realise his capability and have confidence in him. Rasulullah ﷺ desired that the people of Yemen should refer their Deeni problems to Hadhrat Mu’aaz ؓ, and any decision passed by him should be readily accepted without any reservation. Otherwise it would seem quite strange of a leader to test the governor he already nominated at the time of bidding him farewell. For indeed Nabi ﷺ was fully aware that Hadhrat Mu’aaz ؓ possessed the full capability to manage the office of Qadha (passing judgments).

حدثنا أبو قيس سمعت هزيل بن شرحبيل قال سئل أبو موسى عن إبنة وابنة ابن وأخت فقال للإبنة النصف وللأخت النصف وأت ابن مسعود فسيتابعني فسئل ابن مسعود وأخبر بقول أبي موسى فقال لقد ضللت إذا وما أنا من المهتدين أقضي فيها بما قضى النبي صلى الله عليه وسلم للابنة النصف ولابنة ابن السدس تكملة الثلثين

الترتيب الذي اخترناه ، فإن قيل السنة في حقه كانت كالكتاب لما سمعه من في نبي صلى الله عليه وسلم ولا معنى لتأخيره عن الكتاب ، كيف وقد قلتم إن السنة المشهورة والمتواترة مساوية للكتاب في القطعية ، قلنا لم يكن كل السنة مسموعة له من في النبي صلى الله عليه وسلم فلم يكن جملة من الأخبار إلا وصلت معاذا بوسائط ، قلت: أو كثرت ولم يقدم على قياسه سيرة الشيخين كما فعله سيدنا عثمان ولا آثار الصحابة كما ذهبت إليه أئمة الفقهاء لما أنها لم تكن اشتهرت بعد بل ولم تقع بحيث يعتد بها يعني أنها كانت قليلة بعد ، قوله [اجتهد برائي أو اجتهد رائي] كلاهما ثابتان أي أوقع رأي في الجهد أو أقع في الجهد بمعاونة رأيي واستعانتي به. (الكوكب الدري ٢/٣٤٤)

وما بقي فللأخت فأتينا أبا موسى فأخبرناه بقول ابن مسعود فقال لا تسألوني ما دام هذا الحبر فيكم [١]

Once Hadhrat Abu Moosa ﵁ was questioned regarding the estate of a deceased who was survived by a daughter, paternal granddaughter and sister. How should the estate be distributed? He replied saying: "Half the estate will be given to the daughter and the remaining half will be given to the sister. However, go to ibn Mas'ood ﵁ for confirmation." When ibn Mas'ood ﵁ was informed of the verdict issued by Abu Moosa ﵁ he mentioned: "If this is the correct verdict, then certainly I am misled from the path of those who are rightly guided. My verdict in this issue is in conformity with the verdict of Nabi ﷺ; half the estate will be given to the daughter, a sixth will be given to the paternal granddaughter in completion of two thirds of the estate and the remainder will go to the sister." We then returned to Abu Moosa ﵁ and informed him of the verdict given by ibn Mas'ood ﵁. Thereupon he said: "As long as this great Aalim is alive, I don't see the need for you people to refer to me i.e. hold fast onto him and continue referring to him in all matters relating to Deen.

عن عمرو بن ميمون الأودي قال قدم علينا معاذ بن جبل اليمن رسول رسول الله صلى الله عليه وسلم إلينا ... قال فألقيت عليه محبتي فما فارقته حتى دفنته بالشام ميتا ثم نظرت إلى أفقه الناس بعده فأتيت ابن مسعود فلزمته حتى مات [٢]

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[١] بخاري ٩٩٧/٢

[٢] سنن أبي داود ٦/١

Amr bin Maymoon reports that the messenger of Nabi ﷺ, Hadhrat Mu'aaz ﷺ came to Yemen. I loved him excessively so I remained with him until the end of his life. Thereafter I searched for the most knowledgeable person after him. Thereupon I met Abdullah bin Mas'ood ﷺ and I also remained with him until the end of his life.

عن عكرمة أن أهل المدينة سألوا ابن عباس رضي الله عنهما عن امرأة طافت ثم حاضت قال لهم تنفر قالوا لا نأخذ بقولك وندع قول زيد [1]

Ikrimah رحمة الله عليه *reports that the people of Madinah Munawwarah inquired from ibn Abbaas* رضي الله عنهما *regarding the law of a woman who experienced haidh after her fardh tawaaf, should she wait until she becomes pure in order to perform the tawaaf-e-widaa or will it fall off? He replied that it will fall off and she may leave. Upon this the people of Madinah said: "We will not practise on your opinion leaving out the view of Zaid bin Thaabit ﷺ."*

Hafiz ibn Hajar, reporting from Thaqafi, narrates this statement of the inhabitants of Madinah Munawwarah in Fathul Baari in the following manner: "Whether you express your view or not, we will hold onto the view of Zaid ﷺ."

Refer to the Experts

In regard to worldly affairs, the principle "refer to the experts of the field" is quite common. If a person intends constructing a triple

[1] بخاري ٢٣٧/١

story mansion, he will first contact an architect to draw out the plans. He will thereafter hire the services of an engineer as well as a contractor to put up the project. If one has to independently embark on such a project without the aid of the architect, the engineer and the contractor, we can well imagine the devastating outcome that he will cause for himself through such actions.

Similarly if someone is afflicted by an acute sickness e.g. cancer, cardiac failure etc. and is advised by expert physicians that if he does not undergo immediate surgery, there is a ninety to ninety five percent chance that the sickness will prove fatal. Then under these life-threatening circumstances, if one has to refer to a medical journal, and thereafter musters up the courage to personally operate upon himself, what will be our response regarding such a person's determination?

In the same breath we see this principle upheld in all walks of life. People refer to others who they recognize to be experts in their respective fields for guidance and assistance. In reality this is Taqleed; "Relying upon the expertise of others".

In retrospect when one views the different departments of Islamic learning, one will undoubtedly realize that without placing one's confidence and reliance upon people who are learned in the respective fields of Deen, one will not progress Islamicly.

From the elementary Maktab[1] level, the child is required to place his confidence upon his Muallim or Muallima, thereby

[1] The elementary level where children are taught the Arabic alphabets, and then taught to recite the Qur'aan.

gaining the ability to recite the Qur'aan. At the second level the child is admitted into a Hifz class where the child commits the Qur'aan to memory with perfecting its recitation. At this stage we also notice that in order for the child to progress, he is required to follow his Ustaadh and place his reliance upon the knowledge that is imparted to him. The child thereafter progresses further where he gains admission into a Darul Uloom or university. Various courses are offered to him under the tutorship of qualified teachers. Here also he subjects his understanding to conform to the understanding of his tutors who he recognizes as being qualified in the field. At the end of the stipulated period he receives a qualification signifying his competence and proficiency in the various fields of Deen.

We understand that at every stage in the life of man, irrespective of worldly progress or Deeni progress, he is duty bound by Shari'ah to institute the principle of Taqleed.

Allah Ta'ala says:

فَسْئَلُوْٓا اَهْلَ الذِّكْرِ اِنْ كُنْتُمْ لَا تَعْلَمُوْنَ

Ask the people of knowledge if you do not know. (Surah An-Nahl 16:43)

The crux of the matter is that currently the experts of Deen are recognized as experts since their knowledge relatively exceeds the knowledge of the common man. Hence, they are referred to for Islamic guidance. As far as other related fields of Deen are concerned, people do not refer to them though they might be

learned in those branches of Deen. Furthermore, if the current day experts are compared to the experts of the past, they (the experts of today) will be rated below the common man of those times. This brings us to the conclusion that if we wish to follow a guide whose expertise extensively encompasses every department of Deen viz. the Qur'aan, Hadith, ijmaa', history, verdicts of Sahaabah, etc. then we will not find anyone of contemporary times who will be able to guide us to Allah Ta'ala other than the legacy of the A'immah-e-Arba' which Allah Ta'ala has preserved (from amongst all the other A'immah-e-Mujtahideen) throughout the centuries of Islam.

Why are there only four Mazhabs?

Many great Ulama of the past have clearly affirmed that Taqleed has become confined to only one of the four mazhabs. In this regard Allamah Abdur Rahman bin Muhammad Al-Maghribi (808 A.H) writes: "... Taqleed became confined to these four Imaams in all the cities of the Muslim world. All the followers of other Imaams gradually became extinct. Thus, when the terminologies of the various sciences became wide-spread in the earth, the scholars closed the doors of differences (and confined Taqleed to one of the four Imaams) as they feared that someone unworthy would begin claiming Ijtihaad. Hence they (the scholars) stated: "The ability to reach the rank of a mujtahid has become virtually impossible." Thereupon they directed the people towards making Taqleed of one of the four Imaams and warned them against changing mazhabs for

convenience, as this will amount to playing fools with the Deen of Allah. Thus anyone who claims to have acquired the level of Ijtihaad in this age will be rejected and will not be followed. The entire Muslim world now has consensus regarding the Taqleed of these four Imaams."[1]

[1] ووقف التقليد في الأمصار عند هؤلاء الأربعة، ودرس المقلدون لمن سواهم. وسد الناس باب الخلاف وطرقه لما كثر تشعب الاصطلاحات في العلوم ولما عاق عن الوصول إلى رتبة الاجتهاد، ولما خشي من إسناد ذلك إلى غير أهله، ومن لا يوثق برأيه ولا بدينه، فصرحوا بالعجز والإعواز، وردوا الناس إلى تقليد هؤلاء، كل من اختص به من المقلدين. وحظروا أن يتداول تقليدهم لما فيه من التلاعب. ولم يبق إلا نقل مذاهبهم. وعمل كل مقلد بمذهب من قلده منهم بعد تصحيح الأصول واتصال سندها بالرواية، لا محصول اليوم للفقه غير هذا. (مقدمة ابن خلدون — علم الفقه وما يتبه من الفرائض)

The Four Imaams at a glance

Through studying the lives of the four Imaams (viz. Imaam Abu Hanifah, Imaam Maalik, Imaam Shaafi'ee, Imaam Ahmad bin Hambal رحمة الله عليهم, one would undoubtedly be convinced that they were worthy of the position of imaamat. Their piety, righteousness and consistency in adhering to every teaching of the Qur'aan and Sunnah and possessing encompassing knowledge of every department of Deen had made them the centre of attraction in their eras and a source of guidance for the Ummah for centuries that followed upto this day. They could be aptly described as the bearers of the knowledge of the former people (the Sahaabah and Taabi'een). On account of this, from the millions of scholars in every field, Allah Ta'ala handpicked them and divinely selected them for the guidance of this Ummah for the centuries that passed up till this day.

Imaam Abu Hanifah رحمة الله عليه

Introduction

Imaam Abu Hanifah's رحمة الله عليه name was Nu'man bin Thaabit. He was born in the year 80 A.H. and passed away in the year 150 A.H. [1]

Allamah ibn Katheer رحمة الله عليه (d. 774 A.H.) writes about Imaam Abu Hanifah: "... one of the four Imaams of the mazaahib that are followed. He was the first amongst them in demise, as he had also witnessed the era of the Sahaabah رضي الله عنهم. He saw Anas bin Maalik رضي الله عنه. It is related that he also met other Sahaabah رضي الله عنهم as well. Some even mention that he narrated from seven of the Sahaabah رضي الله عنهم. And Allah Ta'ala knows best."

Allamah Zahabi رحمة الله عليه (d. 778 A.H.) states: "He (Imaam Abu Hanifah) met Anas رضي الله عنه on a number of occasions when he visited them in Kufa." [2]

Piety and Virtues

Allamah Al-Khatib Al-Baghdadi رحمة الله عليه states: "It has been recorded about Imaam Abu Hanifah رحمة الله عليه that he performed Salaatul Fajr and Esha with the same wudhu for forty years ... and it

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[1] Uqoodul Jumaan pg. 54/56

[2] Who are the blind followers? pg. 31

is also recorded that he completed seven thousand khatams (complete recitals) of the Qur'aan in his lifetime."[1]

Imaam Shaafi'ee رحمة الله عليه says that on one occasion Imaam Maalik رحمة الله عليه was asked: "Did you meet Imaam Abu Hanifah رحمة الله عليه?" Imaam Maalik رحمة الله عليه replied: "Yes, Imaam Abu Hanifah رحمة الله عليه was a man who if he claimed that a certain pillar was made of gold, he would present sound and unbreakable proofs to establish his claim." [2]

Shareek رحمة الله عليه says: "Imaam Abu Hanifah was a person who used to observe silence for lengthy periods, and was a man of great intelligence." [3]

Ibn Ishaaq Samarqandi says that Imaam Abu Yusuf رحمة الله عليه said: "Imaam Abu Hanifah used to complete a khatam of the Qur'aan every night in one rakaat." [4]

Mis'ar bin Kidaam says: "One night I went into the musjid where I saw a man performing salaah. I was taken aback by his melodious recitation of the Holy Qur'aan. When he reached the seventh juz of the Qur'aan, I thought he may go into ruku any moment but he didn't until he recited one third of the Qur'aan. I thought he may go into ruku at the termination of half the Qur'aan, but he continued

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[1] Who are the blind followers? pg. 31

[2] Siyar 534/6

[3] Siyar 535/6

[4] Siyar 535/6

until he recited the entire Qur'aan in one rakaat. Upon closer inspection, I realised it was Imaam Abu Hanifah رحمة الله عليه. [1]

Abu Muayyid Khawaarizmi رحمة الله عليه narrates that Abdullah bin Mubaarak رحمة الله عليه said: "On one occasion a few goats were stolen in Kufa. On hearing of this, Imaam Abu Hanifah رحمة الله عليه enquired about the average maximum age of a goat. When he was informed that goats normally live for up to seven years, he abstained from eating goat meat for seven years." [2]

Imaam Abu Hanifah was once asked: "How did you acquire this high position in Deen and the great treasures of 'ilm?" Imaam Abu Hanifah replied: "I never acted miserly with the knowledge that Allah Ta'ala had blessed me with. Instead I always shared it with the people, and I never regard it to be below my dignity to seek knowledge from the Ulama. [3]

His Mazhab

Allamah Sha'raani رحمة الله عليه states in his kitaab 'Al-Meezaan', "I was blessed with a vision from the side of Allah Ta'ala wherein I had seen the mazaahib of the Imaams in the form of streams. I saw the mazaahib of Imaam Abu Hanifah, Imaam Maalik, Imaam Shaafi'ee,

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[1] Uqoodul Jumaan pg. 176

[2] Uqoodul Jumaan pg. 207

[3] Ma'aalimul Irshaadiya pg. 217

Imaam Ahmad bin Hambal رحمة الله عليه as large streams flowing with force, while the mazaahib of the other Imaams of that era which had become extinct were small streams which later on dried up and had become hard like rocks. From the four Imaams, the Imaam whose stream was the longest was Imaam Abu Hanifah رحمة الله عليه, followed by the stream of Imaam Maalik, then Imaam Shaafi'ee, then Imaam Ahmad رحمة الله عليهم. The one with the shortest stream was Imaam Dawood رحمة الله عليه, whose mazhab was discontinued in the 5th century. I interpreted this dream as reference to the duration of the time the different mazaahib will be practised upon.[1]

Glad Tidings

Hafiz Jalaalud Deen Suyooti رحمة الله عليه mentions that the Ulama have mentioned that Rasulullah ﷺ had issued glad tidings in favour of Imaam Abu Hanifah رحمة الله عليه in the following Hadith. Imaam Bukhaari and Imaam Muslim narrate the Hadith from Hadhrat Abu Hurairah رضي الله عنه that Rasulullah ﷺ said: "Had knowledge been at the Thurayya star, then Allah Ta'ala will create a man from Persia who will acquire this knowledge."[2]

[1] Muqaddamah Musnad Imaam Abi Hanifah pg.9

[2] This means that Imaam Abu Hanifah رحمة الله عليه was included in this glad tiding, though it may not have referred exclusively to him.

Allamah Suyooti says that this Hadith is authentic and that it is a glad tiding in favour of Imaam Abu Hanifah رحمة الله عليه.[1]

Abu Yahya Al-Himmaani says that he heard Imaam Abu Hanifah say: "I once saw a dream which made me very concerned. I had seen as though I was digging up the grave of Rasulullah ﷺ. I then came to Basrah, and instructed a person to go and ask Muhammad bin Sireen رحمة الله عليه the interpretation of the dream on my behalf. Muhammad bin Sireen رحمة الله عليه, upon hearing the dream, replied: "The one who had seen the dream will be blessed by Allah Ta'ala with the bounty of gathering the Ahaadith of Rasulullah ﷺ (and the knowledge of Deen, and present it to the Ummah)." [2]

Generosity

Muthanna bin Rajaa' رحمة الله عليه said: "Whenever Imaam Abu Hanifah would spend on his family, he would spend the same amount in charity." [3]

Imaam Abu Hanifah رحمة الله عليه used to send cash to Baghdad in order to purchase goods to be sold in Kufa. The profit would be accumulated and utilised in the food, clothing and other needs of the Muhadditheen. He would then present the remaining profit to them in the form of cash and he would tell them, "Praise Allah

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[1] Uqoodul Jumaan pg. 56

[2] Siyar 534/6

[3] Siyar 535/6

Ta'ala alone and not me. I have not disbursed anything from my wealth but from the wealth of Allah Ta'ala. By Allah, whatever He has bestowed upon me is your trust which He has sent to you via me." [1]

Imaam Mis'ar bin Kidaam رحمة الله عليه narrates: "It was the habit of Imaam Abu Hanifah that whatever he purchased for his family, he would spend the same amount on the senior Ulama, and whenever he purchased clothing for his family, he used to buy the same amount for the senior Ulama as well. At the onset of the fruit season, whatever he intended to purchase for his family members, he would first purchase the same for the senior Ulama. [2]

Principles Governing his Mazhab

Nooh Al-Jaami' reports that Imaam Abu Hanifah said: "We submit ourselves to whatever is reported from Rasulullah ﷺ and from the Sahaabah. We give them preference over the statements of others and personal logic. However, that which is reported from anyone else, then they are men and so are we. (Hence, we are not bound to accept it, instead we will employ our Ijtihaad in reaching the conclusion)." [3]

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[1] Uqoodul Jumaan pg. 196

[2] Uqoodul Jumaan pg. 197

[3] Siyar 534/6

His Expertise in the Field of Hadith

His expertise and proficiency in the field of Hadith can be summed up in the words of Imaam Abu Yusuf رحمة الله عليه, who himself was a great Muhaddith and the Ustaad of Imaam Ahmad bin Hambal رحمة الله عليه. He says: "Imaam Abu Hanifah had much more insight regarding authentic Ahaadith than me." He further says: "I have not witnessed anyone more learned in the field of Hadith than Imaam Abu Hanifah رحمة الله عليه." [1]

Abu Muhammad Al-Haarithi narrates that Imaam Abu Yusuf رحمة الله عليه said: "Whenever we discussed any Deeni issue with Imaam Abu Hanifah to which his contemporaries unanimously agreed, I would go to the Mashaayikh of Kufa to search for a clear Hadith in verification of his opinion. I would often come across two or three Ahaadith which I used to present to him in verification of his opinion. I once enquired from him regarding how he had come to know about this Hadith. He replied: 'I am well acquainted with the Ahaadith reported by the Ulama of Kufa.'" [2]

Abu Ya'qoob Yusuf bin Ahmad Makki narrates that Abdullah bin Ahmad bin Ebrahim Dawraqi said: "I was present in the gathering where Yahya bin Ma'een was asked about Abu Hanifah. He replied: 'He is reliable in terms of accepting Ahaadith from him. I have not heard any of the Muhadditheen portraying him to be unreliable.

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[1] Uqoodul Jumaan pg. 119

[2] Uqoodul Jumaan pg. 21

Look at Imaam Shu’bah; he writes to Imaam Abu Hanifah requesting him to explain a few Ahaadith, and Shu’bah after all is Shu’bah.’” (In other words, in the field of Hadith, Imaam Shu’bah is of a very eminent rank.) [1]

Imaam Abu Hanifah declared that a narrator should only narrate a Hadith if he remembered it thoroughly, from the day he heard it till the day he is narrating it. [2]

Ali bin Madeeni رحمة الله عليه says: “Sufyaan Thauri, Abdullah bin Mubaarak, Hammaad bin Zaid, Hishaam, Waki’ bin Jarrah, Abbaad bin Awaam and Ja’far bin Aun have narrated Ahaadith from Imaam Abu Hanifah رحمة الله عليه. His Ahaadith are quite accepted by the Muhadditheen.”

Shabaabah says that Shu’bah held a favourable opinion of Imaam Abu Hanifah رحمة الله عليه. [3]

Khateeb Baghdadi رحمة الله عليه narrates that Sufyaan bin Uyaynah رحمة الله عليه said: “The first person who accorded me a seat of honour in the field of Hadith was Imaam Abu Hanifah رحمة الله عليه. When I arrived in Kufa, he openly informed the people that I am most knowledgable in regard to the Ahaadith of Amr bin Dinaar رحمة الله عليه.

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[1] Uqoodul Jumaan pg. 158

[2] Uqoodul Jumaan pg. 19

[3] Uqoodul Jumaan pg. 351

The people started gathering around me and I started teaching those Ahaadith to them." [1]

Sufyaan bin Uyaynah (the Ustaad of Imaam Shaafi'ee) رحمة الله عليه is reported to have said: "My sight has not fallen on anyone as great as Imaam Abu Hanifah." [2]

Hibbaan bin Moosa said: "We were once seated in the company of Abdullah bin Mubaarak رحمة الله عليه (the student of Imaam Abu Hanifah and from among the Ustaads of Imaam Bukhaari i.e. from among the narrators appearing in Bukhaari Shareef). He was dictating Ahaadith to us, when he said: "Nu'maan bin Thaabit narrated to me ...". Someone asked him, "O Abu Abdir Rahmaan, who are you referring to by this name Nu'maan bin Thaabit?" He replied, "I am referring to Imaam Abu Hanifah, who is a treasure house of 'ilm." Upon hearing this, some of the students terminated the copying down of this Hadith from him. Abdullah bin Mubaarak remained silent for some time, after which he remarked, "O people, how disrespectful of you! Certainly you are not aware of the status of the Imaams of Deen. Nobody is as worthy of being followed as Imaam Abu Hanifah. Indeed he was an Imaam. He was extremely pious and his reputation was untarnished. He was a very devout Aalim and Faqeeh. He explained 'ilm with deep insight and profound understanding. He possessed unique Taqwa (i.e. Allah consciousness) that very few possess." The narrator adds:

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[1] Uqoodul Jumaan pg. 119

[2] Uqoodul Jumaan pg. 143

"Abdullah bin Mubaarak thereafter swore an oath that he will not teach them for another month." [1]

His Expertise in the Field of Fiqh

Yahya bin Ma'een رحمة الله عليه is reported to have said: "According to me, the most reliable and most esteemed Qiraat is the Qiraat of Hamzah while in Fiqh it is the Fiqh of Abu Hanifah رحمة الله عليه. I have found the predecessors holding the same view as well." [2]

Imaam Shaafi'ee رحمة الله عليه is reported to have said about Imaam Abu Hanifah: "People are entirely dependent upon Imaam Abu Hanifah in Fiqh."[3]

When Yahya bin Ma'een was asked whether Sufyaan Thauri رحمة الله عليه narrated any Hadith from Imaam Abu Hanifah, he said: "Surely he narrated from him. Abu Hanifah was a very reliable narrator and most truthful in expounding the laws of Fiqh. In regard to the Deen of Allah Ta'ala, he was regarded as most reliable and trustworthy." [4]

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[1] Uqoodul Jumaan pg. 145

[2] Uqoodul Jumaan pg. 158

[3] Uqoodul Jumaan pg. 143

[4] Uqoodul Jumaan pg. 158

The praise of Imaam Shaafi'ee regarding Imaam Abu Hanifah

لقد زان البلادَ ومن عليها	**	إمَامُ المسْلِمينَ أبُو حَنِيفة
بأحكامِ وآثارِ وفقهٍ	**	كآيَاتِ الزَّبُورِ عَلَى الصَّحِيفَة
فما بالمشرقين له نظيرٌ	**	ولا بالمغربين ولا بكوفه
فَرَحْمَةُ رَبِّنا أبداً عَلَيْهِ	**	مَدَى الأَيَّامِ مَا قُرِئَتْ صَحِيفة

The leader of the Muslims, Imaam Abu Hanifah, has beautified the cities and those who reside in it.
With laws of the Qur'aan, Ahaadith of Rasulullah ﷺ and the Fiqh of Deen, just like the beauty of the Qur'aan over all other heavenly scriptures.
There was no one like him in the east or in the west, and nor in the city of Kufa.
So may the special mercy of Allah Ta'ala perpetually rain upon him, till the end of time as long as the Qur'aan is recited. [1]

[1] Deewaan Imaam Shaafi'ee pg. 286

Imaam Maalik رحمة الله عليه

Introduction

Imaam Maalik رحمة الله عليه was born in the year 95 A.H., and was 15 years younger than Imaam Abu Hanifah رحمة الله عليه. He passed away on the 14th of Rabi-ul-Awwal, 179 A.H. [1]

His Expertise

Abu Nu'aim رحمة الله عليه narrates from Abu Mus'ab رحمة الله عليه: "I heard Imaam Maalik رحمة الله عليه say: 'I never passed a Fatwa (verdict) until seventy scholars bore testimony to the fact that I was worthy of issuing Fatwa.'" [2]

Allamah Zarqaani states that Imaam Maalik started teaching Hadith at the age of seventeen. [3]

Imaam Maalik رحمة الله عليه said: "I wrote one hundred thousand Ahaadith with my right hand." [4]

Imaam Shaafi'ee رحمة الله عليه said: "Had it not been for Imaam Maalik and Sufyaan bin Uyaynah رحمة الله عليهما, the knowledge of Hijaaz

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[1] Siyar 435/7

[2] Muqaddamah of Awjaz pg. 77

[3] Ibid

[4] Bustaanul Muhadditheen pg. 25

(Makkah Mukarramah and Madinah Tayyibah) would have been lost.” [1]

Hammaad bin Salamah says: “If someone had to ask me to appoint a person from whom the Ummah of Rasulullah ﷺ would be able to attain knowledge from, I would regard Imaam Maalik bin Anas to be the most suitable and appropriate person for that task.” [2]

Once a person asked Imaam Shaafi’ee, “Did you ever meet anyone like Imaam Maalik رحمة الله عليه?” Imaam Shaafi’ee replied: “I have heard some of those who were more senior than us in age and knowledge saying that they had never seen anyone like Imaam Maalik رحمة الله عليه, so how could we have seen someone like him?” [3]
Muthannah bin Saeed mentions that I heard Imaam Maalik say: “There is no night that passes except that I see Rasulullah ﷺ in a dream.” [4]

His Caution in Deen

Abdur Rahman bin Mahdi رحمة الله عليه says: “A man once asked Imaam Maalik رحمة الله عليه a masa’lah (ruling), to which he responded: “I am not sure about it.” The man exclaimed: “I have indeed travelled to

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[1] Siyar 399/7

[2] Muqaddamah of Ml. Abdul Hayy Laknowi of Muatta Imaam Muhammad pg. 10

[3] Ibid

[4] Muqaddamah of Awjaz pg. 80

you from such and such a place to ask you about it!" Imaam Maalik رحمة الله عليه responded: "When you return to your place, inform the people that I said that I am not sure of it." [1]

Haitham bin Jameel says: "I was present on one occasion when Imaam Maalik رحمة الله عليه was asked fourty eight questions, thirty two of which he answered by saying "I do not know." [2]

Glad Tidings

Hafiz Jalaalud Deen Suyooti رحمة الله عليه says that the Ulama have mentioned that Rasulullah ﷺ had issued glad tidings in favour of Imaam Maalik رحمة الله عليه in the following manner: "Soon a time will come when people would travel lengthy journeys beating their camels in pursuit of 'ilm. They would not find anyone as learned as the Aalim of Madinah." It is also reported in a narration of Tirmidhi that Rasulullah ﷺ said: "Knowledge will be cut off, and there will not be anyone more knowledgeable than the Aalim of Madinah." Sufyaan bin Uyaynah رحمة الله عليه said: "The Muhadditheen attributed these glad tidings of Rasulullah ﷺ to Imaam Maalik رحمة الله عليه." [3]

Mutarrif bin Abi Abdillah said: "I saw Rasulullah ﷺ in a dream sitting in the musjid with people around him. Imaam Maalik was

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[1] Sifatus Safwah 397/1

[2] Siyar 401/7

[3] Muqaddamah of Ml. Abdul Hayy Laknowi of Muatta Imaam Muhammad pg. 9, Muqaddamah of Awjaz pg. 80

standing before him and there was musk in front of Rasulullah ﷺ. He was taking handfuls from it and giving it to Imaam Maalik, and Imaam Maalik was distributing it among the people." Mutarrif then commented, "I interpreted it as the knowledge of Deen and following the Sunnah." [1]

His Respect for Hadith

His gathering was one of great awe, forbearance and knowledge. He was a noble man who was endowed with awe and respect. There was no arguing, shouting or raising of voices in his gathering. [2]

Ibn Habib said: "When Imaam Maalik sat to teach Hadith, no one moved from their place until he got up."

Whenever he sat down to narrate Hadith, he applied itr and donned new clothes. A carpet was set out for him on which he sat. He emerged from his house with a great amount of humility. He sat before the Hadith of Rasulullah ﷺ with utmost respect and dignity. Oud used to be burnt in the gathering where the Hadith of Rasulullah ﷺ used to be taught by Imaam Maalik رحمة الله عليه. [3]

Abdullah bin Mubaarak said: "I was once present in the gathering of Imaam Maalik رحمة الله عليه while he was relating Hadith to us and a scorpion stung him sixteen times. Imaam Maalik's facial

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[1] Ibid

[2] Muqaddamah of Awjaz pg. 81

[3] Bustaanul Muhadditheen pg. 25

complexion began to change colour, however he continued teaching the Hadith of Rasulullah ﷺ. After the lesson was over and the students had departed, I asked him the reason for the change in his complexion during the lesson. He informed me regarding the scorpion sting and said, 'I did not move from my place out of respect for the Hadith of Rasulullah ﷺ.'" [1]

Abu Mus'ab رحمة الله عليه says that Imaam Maalik used to only narrate Hadith while in the state of wudhu, out of respect for the Hadith of Rasulullah ﷺ [2]

His Sincerity

Allamah Zarqaani **رحمة الله عليه** mentioned: "When Imaam Maalik رحمة الله عليه prepared his kitaab "Al-Muatta", he doubted his sincerity and thus feared that the kitaab may not gain acceptance in the sight of Allah Ta'ala. Hence, as a means of testing his ikhlaas, he resolved within his heart to insert the kitaab in water. In order to determine whether his kitaab was written with ikhlaas, he begged Allah Ta'ala to reveal to him in this way that if the kitaab gets wet, then it is a sign that this kitaab was not written with ikhlaas. After placing the kitaab in the water and removing it, he found it was completely dry.[3]

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[1] Muqaddamah of Ml. Abdul Hayy Laknowi of Muatta Imaam Muhammad pg. 10

[2] Siyar 412/7

[3] Muqaddamah of Awjaz 1/92

His Love and Respect for Madinah Tayyibah

It is related that he only left the Haram of Madinah if he had a valid reason. [1]

Imaam Maalik رحمة الله عليه possessed great love for the land of Madinah Munawwarah. This love was on account of the love he had for Rasulullah ﷺ. Allamah ibn Khalliqaan writes: "Imaam Maalik رحمة الله عليه never rode a conveyance in the blessed city of Madinah Munawwarah. Even at the time when he grew old and became extremely weak, he preferred to walk rather than being transported by a conveyance. When Imaam Maalik رحمة الله عليه was asked the reason, he mentioned: 'I feel extremely difficult to ride on a conveyance in the Mubaarak city of Madinah Munawwarah, while Rasulullah ﷺ is buried beneath the ground." [2]

Imaam Maalik رحمة الله عليه used to commence teaching the students of Hadith and those residing in Madinah Munawwarah before teaching others. When he was asked the reason for showing preference to the students of Hadith and the people of Madinah, he exclaimed: "These are the neighbours of Rasulullah ﷺ.'" [3]

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[1] Bustaanul Muhadditheen pg. 25

[2] Muqaddamah of Awjaz pg. 83

[3] Muqaddamah of Awjaz pg. 78

Important Facts regarding His Life

Imaam Maalik رحمة الله عليه resided in the house of Abdullah bin Mas'ood ﷺ in Madinah Munawwarah. He did not possess his own house. Instead he rented the house until his demise. In the Musjid he sat where Umar ﷺ used to sit and this was the very same place where Rasulullah ﷺ would lay his bedding whilst sitting for I'tikaaf. [1]

Imaam Shaafi'ee رحمة الله عليه

Introduction

Imaam Shaafi'ee's رحمة الله عليه name was Muhammad bin Idrees. He was born in the year 150 A.H. (the very year Imaam Abu Hanifah passed away) and passed away in the month of Rajab, 204 A.H. [2]

His Expertise

Imaam Ahmad رحمة الله عليه said: "Anyone who used ink and a pen (for the knowledge of Deen) is undoubtedly indebted to Imaam Shaafi'ee رحمة الله عليه in some way or the other." Imaam Ahmad رحمة الله عليه also said: "For forty years I have been supplicating for Imaam Shaafi'ee after Salaah." Once Imaam Ahmad's رحمة الله عليه son asked him: "What type

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[1] Muqaddamah of Awjaz pg. 78

[2] Sifatus Safwah 439/1

of a person was Imaam Shaafi'ee? I hear you often making du'aa for him?" He replied: "O my beloved son! Imaam Shaafi'ee رحمة الله عليه was like the sun for the world and a safety for the people. Think about it, do these two (bounties) have any substitute?" [1]

Abdur Rahmaan bin Mahdi says: "I do not perform any salaah, except that I also make du'aa for Imaam Shaafi'ee." [2]

Imaam Shaafi'ee رحمة الله عليه was titled in Baghdad as 'Naasirus Sunnah' (the saviour of the Sunnah). Ibn Katheer رحمة الله عليه says: "He memorized the Qur'aan when he was only seven, the Muatta of Imaam Maalik when he was ten, and his Shaikh, Muslim bin Khallaad az-Zanji permitted him to pass verdicts (Fatwa) when he was only fifteen. (Some narrations state that he was eighteen). Abu Thowr رحمة الله عليه, one of the Mujtahideen of that era, says: "We never saw anyone like Imaam Shaafi'ee." [3]

Abu Ubaid رحمة الله عليه says: "I never saw anyone more eloquent, intelligent and cautious (referring to his state of Wara') than Imaam Shaafi'ee." Imaam Ahmad رحمة الله عليه would relate the Hadith narrated by Abu Dawood رحمة الله عليه wherein Abu Hurairah ﵁ reports that Rasulullah ﷺ said: "Verily Allah appoints for this Ummah, upon every hundred years, a reviver for its Deen." Imaam Ahmad رحمة الله عليه would then comment: "Umar bin Abdul Aziz was sent at the end of

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[1] Sifatus Safwah 435/1

[2] Siyar 394/8

[3] Al-Bidaayah Wan-Nihaayah 276/10

the first hundred years and Imaam Shaafi'ee was sent at the end of the second century (as a reviver)." [1]

Ayyoub bin Suwaid says: "I did not think I would live to see a man as great as Imaam Shaafi'ee."[2]

Imaam Ahmad bin Hambal said: "Imaam Shaafi'ee was from amongst the most eloquent of people." [3]

His Piety

Rabi' رحمة الله عليه says: "Imaam Shaafi'ee رحمة الله عليه used to divide his night into three portions. The first third was for writing, the second third for Salaah and the last third for rest." Rabi' رحمة الله عليه also said: "In the month of Ramadhaan, Imaam Shaafi'ee رحمة الله عليه used to complete the recitation of the Qur'aan sixty times. However it is not possible to calculate how much of it was accomplished in Salaah." Rabi' رحمة الله عليه once said: "Imaam Shaafi'ee used to complete thirty recitals of the Qur'aan in every month, but during the month of Ramadhaan, he used to complete sixty besides what he recited during Salaah." [4]

Ebrahim bin Muhammad Ash-Shaafi'ee says: "I never saw anyone perform salaah better than Imaam Shaafi'ee رحمة الله عليه. The

[1] Muqaddamah of Deewaan of Imaam Shaafi'ee pg. 40

[2] Muqaddamah of Deewaan of Imaam Shaafi'ee pg. 39

[3] Muqaddamah of Deewaan of Imaam Shaafi'ee pg. 41

[4] Sifatus Safwah 437/1

reason for this is that he had learnt how to perform Salaah from Muslim bin Khaalid, who learnt from ibn Jurayj, who learnt from Ataa', who learnt from ibn Zubair, who learnt from Abu Bakr ﵁, who learnt from Nabi ﷺ." [1]

Glad Tidings

Hafiz Jalaalud Deen Suyooti رحمة الله عليه says that the Ulama have mentioned that Rasulullah ﷺ had issued glad tidings in favour of Imaam Shaafi'ee رحمة الله عليه in the following manner: "Do not talk ill of the Quraish, as an Aalim of the Quraish would (in the near future) fill the entire world with ilm (knowledge)." The Ulama say that this glad tiding was in reference to Imaam Shaafi'ee رحمة الله عليه. [2]

Ibnu Abdil Hakam says that when the mother of Imaam Shaafi'ee رحمة الله عليه was pregnant with him, she saw a dream as though she gave birth to a star that became apparent in Egypt, and thereafter a piece of it landed in every town. The interpreters of dreams interpreted this dream as meaning that she will give birth to an Aalim, whose knowledge will be exclusive for the people of Egypt at first, and then it will spread throughout the world." [3]

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[1] Muqaddamah of Deewaan of Imaam Shaafi'ee pg. 37

[2] Uqoodul Jumaan pg. 56

[3] Siyar 379/8

His intelligence

Imaam Muzani رحمة الله عليه reports that on one ocassion we were present by Imaam Shaafi'ee رحمة الله عليه when an old man wearing woollen clothing appeared. The old man then asked Imaam Shaafi'ee: "May I ask a question?" Imaam Shaafi'ee gave him permission. He then asked: "What are the Shar'i proofs in the Deen of Allah Ta'ala?" Imaam Shaafi'ee replied: "The Kitaab of Allah Ta'ala." He then asked: "And what else?" Imaam Shaafi'ee replied: "The Sunnah of Rasulullah ﷺ." He then asked: "And what else?" Imaam Shaafi'ee replied: "The consensus of the Ummah." He then asked: "What is your proof for this?" Imaam Shaafi'ee thought for a while. The old man then said: "I give you respite for three days, either you bring me proof from the Qur'aan, or seek forgiveness and repent to Allah Ta'ala." The facial complexion of Imaam Shaafi'ee changed. He then went and did not come out until the third day between Zuhr and Asr, in the condition that he was extremely sick. He hardly sat down when the old man came, greeted him and sat beside him. He then asked for his proof. Imaam Shaafi'ee said: "Yes", and he began reciting the verses:

وَمَنْ يُّشَاقِقِ الرَّسُوْلَ مِنْۢ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدٰى وَيَتَّبِعْ غَيْرَ سَبِيْلِ الْمُؤْمِنِيْنَ نُوَلِّهٖ مَا تَوَلّٰى وَنُصْلِهٖ جَهَنَّمَ ؕ وَسَآءَتْ مَصِيْرًا

And whoever opposes the Messenger after guidance has become clear to him and follows a path other than the path of the believers, we shall (forsake him) and let him continue on his path, and thereafter We shall drive him towards Hell, and evil it is as an abode. (Surah Nisa, 115)

The man said: “You have spoken the truth.” The man then left. Imaam Shaafi’ee said to those seated around him: “I recited the entire Qur’aan thrice daily for three days, until the proof finally dawned upon me.” [1]

Imaam Ahmad bin Hambal said: “A scholar of Hadith can never get satiated from studying the kitaabs of Imaam Shaafi’ee (due to the abundant and profound knowledge contained in it).” [2]

Imaam Ahmad bin Hambal said: “The Fuqahaa were the doctors, and the Muhadditheen were the pharmacists. Muhammad bin Idrees (Imaam Shaafi’ee) came as both a doctor and a pharmacist.” [3]

His Ikhlaas, Humility and Love for Brotherhood

Imaam Rabee’ mentions that Imaam Shaafi’ee رحمة الله عليه said: “It is my desire that people learn and take benefit from the knowledge (in my kitaabs), without anything being attributed to me.” [4]

Younus As-Sadafi says: “I did not see anyone more intelligent than Imaam Shaafi’ee. I debated with him on one occasion regarding a certain mas’alah, then we separated. He thereafter took hold of my hand and said: ‘O Abu Moosa, why can’t we still remain

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[1] Siyar 414/8

[2] Muqaddamah of Deewaan of Imaam Shaafi’ee pg. 41

[3] Ibid

[4] Siyar 386/8

closely attached as brothers, even though I notice that we do not agree on certain issues.'" [1]

The Durood of Imaam Shaafi'ee رحمة الله عليه

Ibn Bunaan Asbahaani رحمة الله عليه says that I once saw Rasulullah ﷺ in a dream and asked him, 'O Rasulullah ﷺ, has any special honour been granted to Muhammad bin Idrees Shaafi'ee رحمة الله عليه, who is the son of your 'uncle'? ('Uncle' has been mentioned because Imaam Shaafi'ee's ancestory meets Rasulullah ﷺ's ancestory at Abd Yazeed bin Hishaam. Hishaam was the great grandfather of Rasulullah ﷺ). Rasulullah ﷺ replied: "Yes indeed. I have supplicated to Allah Ta'ala that he be saved from the reckoning on the day of Qiyaamah." I then asked, "O Rasulullah ﷺ, on account of which deed did he become worthy of such a favour?" Rasulullah ﷺ replied: "It is because he has recited such a durood upon me that no one else ever recited." I then enquired: "O Rasulullah ﷺ, what is that durood?" Rasulullah ﷺ replied:

اَللّٰهُمَّ صَلِّ عَلَى مُحَمَّدٍ كُلَّمَا ذَكَرَهُ الذَّاكِرُونَ وَ صَلِّ عَلَى مُحَمَّدٍ كُلَّمَا غَفَلَ عَن ذِكْرِهِ الْغَافِلُونَ

O Allah Ta'ala! Bestow special mercy upon Hadhrat Muhammad ﷺ equivalent to the number of times that he was remembered, and bestow

[1] Siyar 382/8

special mercy upon Hadhrat Muhammad ﷺ equivalent to the number of times that the neglectful forgot to remember him. [1]

Imaam Ahmad bin Hambal رحمة الله عليه

Introduction

Imaam Ahmad رحمة الله عليه was born in the year 164 A.H., and passed away on the morning of Friday, the 12th of Rabi-ul-Awwal, 241 A.H. at the age of 77. [2]

His Expertise

A reputed Muhaddith, Ebrahim Al-Harbi رحمة الله عليه (d.285 A.H.) says: "I had the opportunity of seeing Imaam Ahmad bin Hambal رحمة الله عليه. It seemed as if his heart was a treasure-chest containing all the knowledge granted to human beings, past and present. He could reveal whatever he saw relevant, and hold back what he did not desire to divulge." Abu Zur'ah رحمة الله عليه says: "Imaam Ahmad رحمة الله عليه was a Hafiz of one million Ahaadith." Someone asked: "How do you know?" He said: "I revised with him, and noted the chapters from him." Imaam Abdur Razzaaq said: "I never saw anyone greater in

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[1] Fazaail - Durood

[2] Sifatus Safwah 487/1

Fiqh and Wara' (caution in matters of Deen) than Imaam Ahmad bin Hambal."[1]

Harmala has reported that I heard Imaam Shaafi'ee say: "At the time when I left Baghdad, I did not leave any person behind who was greater than Imaam Ahmad in knowledge and Fiqh."[2]

Ali bin Madeeni رحمة الله عليه said: "At the time of crisis, Allah Ta'ala had supported this Deen with two personalities, with Abu Bakr ﷺ on the day when the tribes had turned apostate, and with Imaam Ahmad bin Hambal رحمة الله عليه at the time the Ummah was tested with the fitnah of *khalqul Qur'aan.*[3]

His Humility and Character

Muhammad ibnul-Hasan bin Haroon said: "I saw Abu Abdillah (Imaam Ahmad) when he was walking. He disliked that anyone should follow him."[4]

Imaam Yahya bin Ma'een رحمة الله عليه says: "I never saw the like of Imaam Ahmad. We accompanied him for fifty years. He never once flaunted himself for the good that he possessed."[5]

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[1] Sifatus Safwah 479/1

[2] Siyar 446/9

[3] Siyar 446/9

[4] Siyar 465/9

[5] Siyar 458/9

Trials and Tribulations

Imaam Ahmad رحمة الله عليه was unimaginably harassed and tortured by the rulers of his time. During Ramadhaan 221 A.H. when he was 57 years of age, he was prisoned by Mu'tasim and lashed. This was only due to a mas'alah which he adhered to, while some of the deviant sects did not concur with it (i.e. the issue of *khalqul Qur'aan*). He was severely lashed eighteen times, which caused him to fall unconscious. Thereafter he was thrown down upon his face, a mat was placed over him, and his body was trampled. When he regained consciousness and food was placed before him, he refused to eat as he was fasting. Each one of those who took part or witnessed the lashing was forgiven by him, except those who were in deviance. He used to say: "What benefit do you derive out of your Muslim brother being punished because of you?" Later, Allah Ta'ala guided Mu'tasim, who thus repented and showed tremendous remorse over his behaviour." [1]

The Period after the Trial

The Caliph Mutawakkil succeeded Caliph Waathiq in 232 A.H. He held Imaam Ahmad in high esteem, but Imaam Ahmad remained cautious since he regarded the favours of the king as a temptation towards evil. Once Mutawakkil sent him a bag of ten thousand dirhams and about two hundred dinaars. It was emphasized that he

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[1] Who are the blind followers pg. 38

should accept it lest the king would be offended if the gift was refused. Imaam Ahmad رحمة الله عليه did not even look at it. At the time of Maghrib, he called his son Saalih and said, "Keep this by you."

Before dawn the next morning, Imaam Ahmad called for his son who immediately came. He said to him, "I haven't slept last night", and he began to weep. He continued, "All my life I remained safe from the rulers and kings. Now, in old age, I am being tested with them. I have decided to distribute this wealth in the morning. That morning, he continued distributing the money to the various factions of the poor and needy until the entire amount was spent. He then also gave the bag away to a destitute person. His son says: "We were experiencing such poverty (at that time) which only Allah Ta'ala knew." [1]

His Piety

His son Abdulllah relates: "My father used to perform three hundred rakaat daily. When he became ill due to the lashes which weakened him, he used to perform one hundred and fifty rakaat. At that time he was close to eighty years of age. He used to recite one-seventh of the Qur'aan daily, thereby completing the Qur'aan in seven days. Besides the Salaah of the day, he used to complete one recital in seven nights as well. After performing Esha Salaah, he used to have a light nap, then stay awake up to the morning performing Salaah and making du'aa. My father performed Hajj five

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[1] Sifatus Safwah 486/1

times, three on foot and two by conveyance. On one of his journeys of Hajj he spent only twenty dirhams."[1]

Ebrahim bin Shammaas رحمة الله عليه says: "I knew Imaam Ahmad as a child, staying awake during the night (in Ibaadah)."[2]

His Adab (Respect) in Deen

Imaam Ahmad bin Hambal رحمة الله عليه never called any of his *Asaatiza* by their names out of respect for them. Rather, he would refer to them by their titles.[3]

Once, Imaam Ahmad رحمة الله عليه was lying down due to some illness. In the middle of the discussion someone mentioned the name of Ebrahim bin Tahmaan رحمة الله عليه. On listening to this name, Imaam Ahmad رحمة الله عليه immediately sat up out of respect. Thereafter he remarked, "It is inappropriate that the names of the elders are mentioned whilst we are sitting and relaxing."[4]

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[1] Sifatus Safwah 484/1

[2] Siyar 466/9

[3] Aadaabul Muta'allimeen

[4] Ibid

Are there any Mujtahids in this day and age?

Allamah Shihab Ar-Ramli رحمة الله عليه (957 A.H.) states: "The person who has a true understanding of what Ijtihaad actually means would feel ashamed before Allah from attributing it to anyone of this day and age. In fact, ibnus-Salaah (643 A.H.) and his followers stated that it had become extinct three hundred years ago. ibnus-Salaah himself passed away three hundred years ago, hence, it had become extinct about six hundred years ago."

Allamah Munawi رحمة الله عليه (1031 A.H.) says: The Aalim of the Syrian region, Imaam ibn Abid-Dam (642 A.H.) writes after mentioning all the conditions of Ijtihaad: "It is hardly possible to find these conditions in any scholar of our age. Instead, there is no Mujtahid-e-mutlaq on the surface of the earth today."

During the tenth century of Islam, Imaam Suyooti رحمة الله عليه, (911 A.H.) claimed to have reached the level of Ijtihaad. Allamah Shihab ibn Hajar Haitami رحمة الله عليه (974 A.H.) says: "When Imaam Jalalud Deen Suyooti claimed Ijtihaad, all his contemporaries confronted him. They presented a questionnaire to him about some issues. Therein, they stated two possible answers to each question, and

said: "If you have even reached the lowest degree of Ijtihaad, which is Ijtihaad in Fatwa, then you should stipulate the preferred view, substantiated with proof, in conformance with the maxims laid down by the Mujtahideen.

However, he returned their questionnaire without any answer, excusing himself that he was too busy, and was therefore unable to look into those questions." [1]

Moulana Ashraf Ali Thanwi رحمة الله عليه writes in this regard: "Those who reject Taqleed object by saying: 'Did the Hanafis (or muqallids) receive wahy (revelation) that Ijtihaad has come to an end?' They do not understand that it is a divine principle that the means of fulfilling a need comes into existence at the time when that necessity occurs. Allah Ta'ala sends down rain generally at the time of need. Winds also blow at times of need. Where temperatures become intensely low, animals have thicker wool; and there are countless such examples. Likewise, when there was a need for the recording of Hadith, Allah created people with phenomenal memories. Such memories are nowhere to be found today. The rejecters of the four mazaahib also, who shout slogans of following Hadith, are not able to bring forth one individual who has memorized even Saheeh Al-Bukhaari and Saheeh Muslim with their chains of narrations, as was done by the illustrious authors of these blessed books.

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[1] مقدمة فيض القدير ص١٦

"In the same way, when the need arose to document the Shari'ah, Allah granted many people extraordinary talents and capabilities in Fiqh and Ijtihaad. Now that Deen has been recorded, and its laws and fundamentals outlined, this need no longer exists. Yes, to the extent of need, some ability of Ijtihaad is still to be found, whereby rulings for contemporary issues are deduced, through the medium of the principles laid down by the Mujtahideen. [1][10]

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[1] Who are the blind followers Pg. 50 (An excerpt from Ashraful Jawaab)

What is wrong if one refers to the Qur'aan and Hadith Directly?

If one who is not a mujtahid refers to the Qur'aan and Hadith directly in order to extract Shar'i laws and find solutions to his problems, he will land himself in clear disaster and encounter many difficulties. It is akin to an ignorant layman trying to find a solution to legal or medical issues by directly referring to the sources. He is bound to misunderstand many fundamental issues and bring great disaster upon himself. Let us examine some of the problems he will encounter:

The First Problem that will arise by referring directly to the Qur'aan and Hadith

The first problem is that some people will begin to consider themselves as Mujtahids. They will refer to translations of the Qur'aan and the books of Hadith (such as the translations of Saheeh Bukhaari, Saheeh Muslim, etc.). Subsequently, they will arrive at

their own incorrect conclusions. This is undoubtedly detrimental not only to their own Deen, but also equally destructive to the Deen of the general public. Nabi ﷺ foretold the coming of such crucial times where people will confine the truth to their own logic and they will entirely shun emulation of the pious predecessors. Hence, he is reported to have said that from amongst the signs of Qiyaamah:

إذا رأيت شحا مطاعا وهوى متبعا ودنيا مؤثرة وإعجاب كل ذي رأي برأيه

You will witness people fulfilling their greed, following their base desires, giving preference to dunya over Deen and being satisfied with their own reasoning and understanding. (Mishkaat Pg. 437)

واعجاب المرء بنفسه وهي أشدهن

A person will be satisfied and pleased with his independent reasoning and understanding, and this is among the worst signs. (Mishkaat Pg. 434)

Nabi ﷺ has also mentioned that from amongst the signs of Qiyaamah is:

ولعن آخر هذه الأمة أولها

The latter of this Ummah will curse the former. (Mishkaat Pg. 470)

Consider the following two incidents which reveal the outcome of the one who is not a Mujtahid, but refers directly to the Qur'aan

and Hadith. The following two incidents are narrated by Allamah Kowthari رحمة الله عليه. He says:

"A person was accustomed to performing Salaat-ul-Witr after making istinja (cleaning himself after urinating). When asked about it, he quoted the Hadith:

من استجمر فليوتر

He who uses mud pebbles for istinja should "perform Witr" (Mishkaat Pg. 42)

The word **فليوتر** literally means 'to do something in an odd number' and it could also mean 'perform witr salaah.' Hence, this person misunderstood this Hadith to be referring to Witr Salaah. The correct meaning of this Hadith is that, he who uses mud pebbles for istinja, should use an odd number.

Another person declared that it was forbidden to water one's neighbour's garden. He substantiated it by quoting the following Hadith:

لا يحل لامرئ يؤمن بالله واليوم الآخر أن يسقي ماءه زرع غيره

It is not permitted for one who believes in Allah and the last day to irrigate someone else's crop with his own water. (Mishkaat Pg. 290)

The Hadith actually implies that, if someone acquired a pregnant slave woman (when slavery was still in practise), then he is prohibited from copulating with her until she gives birth.

The Second Problem

The second problem is that some people, after independently viewing the laws of the Qur'aan and Hadith (with their limited analogy), will begin to deduce underlying factors ('ilal) upon which rulings are based. Thereafter, they will abrogate many laws of Deen on the basis that the underlying cause that they deduced no more exists.

For instance, consider the law of performing wudhu before every Salaah. In this time and age, a group of modernists hold the view that there is no need to perform wudhu before every Salaah, since our limbs are mostly covered and do not get dirty. They contend that the law of wudhu was most relevant to the Sahaabah ﵃. Many of the Sahaabah ﵃ were shepherds or worked on the fields and in other outdoor occupations. As a result, their bodies became soiled in dust and dirt. Therefore, they were required to make wudhu for every Salaah. Hence, this group of modernists subjected the law of wudhu to their flawed analogy. [1]

A similar example is that of the law of appointing witnesses at the time of nikaah. Rasulullah ﷺ has declared:

لا نكاح إلا بشهود

There is no nikaah without witnesses. (Bayhaqi 7/111)

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[1] Taqleed wa Ijtihaad by Ml. Ashraf Ali Thanwi pg. 34

Based on this and other Ahaadith, the scholars have unanimously stated that the nikaah must be witnessed by at least two people, otherwise it will not be valid.

Yet, some modernists opine that the nikaah is valid regardless of whether witnesses are present or not. They comment upon the aforementioned Hadith that witnesses were only deemed necessary in the Hadith in order to alleviate any misunderstanding or denial if they cropped up later on during the nikaah. However, they claim that nowadays the nikaah is properly recorded and signed by both parties. Therefore, witnesses are not necessary. Thus, on the basis of their flawed deduction of the reason for having witnesses in a nikaah, they cast aside this fundamental Shar'i requirement.[1]

The Third Problem

The third problem is that some people will come across certain Ahaadith which have been unanimously abrogated (i.e. according to the consensus of the Sahaabah ﷺ and the entire Ummah), however due to lack of sufficient knowledge regarding the historical background of the law, they will begin practising upon it.

Consider the Hadith which permits the practice of mut'ah.[2] Undoubtedly, for a limited time the Sahaabah ﷺ were allowed to

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[1] Taqleed wa Ijtihaad by Ml. Ashraf Ali Thanwi pg. 35

[2] Mut'ah refers to a temporary marriage that was initially allowed for mujaahids who were out in jihaad and it was later abrogated. A

practise mut'ah in the noble era of Rasulullah ﷺ during jihaad. However, this permissibility was later abrogated by the law of prohibition. If anyone independently studies the classical works of the Muhadditheen, viz. Saheeh Bukhaari, Saheeh Muslim as well as other compilations of Hadith, he will conclude that it is permissible for one to practise mut'ah, since the Hadith which mentions its permissibility is recorded in these books.

The following narration appears in Saheeh Muslim:

عن جابر بن عبد الله و سلمة بن الأكوع قالا خرج علينا منادي رسول الله صلى الله عليه وسلم فقال : إن رسول الله صلى الله عليه وسلم قد أذن لكم أن تستمتعوا يعني متعة النساء [١]

Jabir bin Abdullah and Salimah bin Akwa' report: "A person came out to us and announced, 'Indeed Rasulullah ﷺ has granted you permission to engage in mut'ah.'"

This Hadith was later abrogated by many other Ahaadith. [2]

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proper nikaah would be performed with the woman in the presence of witnesses and with mahr.

[١] مسلم ١/٤٥٠

٢ عن إياس بن سلمة عن أبيه قال رخص رسول الله صلى الله عليه وسلم عام أوطاس في المتعة ثلاثا ثم نهى عنها (مسلم ١/٤٥١)

From this example we can well imagine the disastrous outcome of those who refer directly to the Qur'aan and Hadith. They will eventually end up following abrogated Ahaadith. It should be understood that merely finding a Hadith recorded in Bukhaari or Muslim or any other compilation of Hadith does not allow one to practise upon it. Just as there are certain verses recorded in the Qur'aan which are unanimously abrogated,[1] similarly there are many authentic Ahaadith contained in the books of Hadith (viz. Saheeh Bukhaari, Saheeh Muslim, etc.) which are also unanimously abrogated. The reason for these Ahaadith being recorded in these books was in order to prove that this law existed in the earlier era of Islam.

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[1] This refers to those verses whose laws have been abrogated and replaced with other laws though the recitation of those verses has not been abrogated. An example of this would be the aayah regarding jihaad:

كُفُّوٓا اَيۡدِيَكُمۡ وَ اَقِيۡمُوا الصَّلٰوةَ وَاٰتُوا الزَّكٰوةَ

Restrain your hands from jihaad and establish Salaah and discharge zakaah (Surah Nisa 4:77)

This law existed at the beginning of Islam when the Sahaabah ﷺ were not permitted to wage war against the *kuffaar*. Later on this law was abrogated with the following verse:

اُذِنَ لِلَّذِيۡنَ يُقٰتَلُوۡنَ بِاَنَّهُمۡ ظُلِمُوۡا

Waging war with the kuffaar has been permitted for you on account of you being oppressed (Surah Haj 22:39)

Hence, we conclude that any Hadith found in the various books of Hadith will not necessarily qualify it to be practised upon. Instead one will have to verify whether Rasulullah ﷺ continued practising upon it till the end of his life or whether it was abrogated.

Combining two Salaahs in one's hometown without a valid reason

Consider the law of joining two Salaahs under normal circumstances (i.e. without any Shar'i excuse and whilst one is residing in his home town). The Sahaabah ﷺ as well as the entire Ummah for many centuries of Islam were unanimous that it is impermissible for one under normal circumstances to join Salaahs. The Hadith of Rasulullah ﷺ recorded in Tirmizi is explicit in this regard:

عن ابن عباس عن النبي صلى الله عليه وسلم قال من جمع بين الصلاتين من غير عذر فقد أتى بابا من أبواب الكبائر [١]

Ibnu Abbaas رضي الله عنهما *reports that Nabi* ﷺ *said: "Whoever combines two Salaahs without a valid reason has indeed committed a major sin."* [2]

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[١] ترمذي ١/٤٨

[٢] قال أبو عيسى وحنش هو أبو على الرحبي وهو حنش بن قيس وهو ضعيف عند اهل الحديث، ضعفه أحمد وغيره

However, we notice that there is another Hadith recorded by Imaam Tirmizi رحمة الله عليه under the chapter: "Chapter regarding the combining of two Salaahs" which states:

عن ابن عباس قال : جمع رسول الله صلى الله عليه وسلم بين الظهر والعصر وبين المغرب والعشاء بالمدينة من غير خوف ولا مطر قال فقيل لابن عباس ما أراد بذلك قال أراد أن لا يحرج أمته [1]

Ibnu Abbaas رضي الله عنهما stated: "Nabi ﷺ combined the Zuhr Salaah with the Asr Salaah and the Maghrib Salaah with the Esha Salaah in Madinah Munawwarah without any excuse neither the excuse of fear nor rain." Ibnu Abbaas رضي الله عنهما was then questioned: "Why did Nabi ﷺ do that?" He replied: "He did this so as not to inconvenience his Ummah."

Imaam Tirmizi رحمة الله عليه commentating upon this Hadith declares: "This Hadith (the apparent meaning of this Hadith i.e. performing two Salaahs in one time whilst residing in one's home town) is not practised by anybody[2]." Hence, we understand that the entire

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قال محمد : بلغنا عن عمر بن الخطاب أنه كتب في الآفاق ينهاهم أن يجمعوا بين الصلاتين ويخبرهم أن الجمع بين الصلاتين في وقت واحد كبيرة من الكبائر . أخبرنا بذلك الثقات عن العلاء بن الحارث عن مكحول عن ابن عباس : عن النبي صلى الله عليه وسلم قال من جمع الصلاتين من غير عذر فقد أتى بابا من أبواب الكبائر (مؤطا برواية محمد بن الحسن الشيباني، ص ١٣٢)

[1] ترمذي ٤٧/١

[2] According to the Hanafi mazhab, this Hadith can be practised upon if interpreted in this way that Rasulullah ﷺ performed both Salaahs together by

Ummah has agreed upon the fact that it is impermissible for one to practise upon the apparent meaning of this Hadith. Yet we find in this present age and time, a group of people who practise upon this abrogated Hadith. So if someone wishes to follow whatever he comes across in the vast treasure of Hadith without examining its true position in Deen, he will certainly end up following abrogated Ahaadith. Such a person will consider himself as having done a great service to Deen. He will regard himself to be a reviver of a 'dead Sunnah' which nobody practised upon. However, the sad reality is that such a person has strayed from the straight path by following what the entire Ummah, from the time of the Sahaabah ﷺ, has regarded as abrogated. He has rejected the path followed unanimously by the entire Ummah.

Allah Ta'ala declares in the Holy Qur'aan:

وَمَنۡ يُّشَاقِقِ الرَّسُوۡلَ مِنۡۢ بَعۡدِ مَا تَبَيَّنَ لَهُ الۡهُدٰى وَيَتَّبِعۡ غَيۡرَ سَبِيۡلِ الۡمُؤۡمِنِيۡنَ نُوَلِّهٖ مَا تَوَلّٰى وَنُصۡلِهٖ جَهَنَّمَ‌ ؕ وَسَآءَتۡ مَصِيۡرًا

Whoever opposes the Rasul ﷺ after the guidance was manifest to him and he follows a path other than that of the believers then We shall leave him in the path he has chosen and We will enter him into Jahannum. What an evil abode! (Surah Nisa 4:115)

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performing Zuhr in its last time and Asr in its first time, similarly Maghrib in its last time and Esha in its first time. In this way both Salaahs would be performed in their respective times.

At this juncture, it is extremely important that we understand that a discontinued practice no longer remains a Sunnah or part of Deen. Especially in the case where one is aware of the fact that the common practice of the Sahaabah ﷺ as well as the entire Ummah opposes it. What then gives one the authority to practise upon it? Furthermore, the Hadith of Rasulullah ﷺ sufficiently elucidates this point.

من شذ شذ في النار[1]

Whoever adopts an independent path will also be alone in Jahannum.

The Fourth Problem

The fourth problem is that if the masses are allowed to follow at random whatever they believe to be correct or whoever they feel is on the correct opinion, it will eventually result in many people following their own whims and desires. Most people when faced with a problematic situation opt to follow the opinion of those Muftis and Aalims through whom their benefits and interests will be secured. In that predicament most people are totally unconcerned about studying the proofs and weighing the arguments. Rather, their main concern is how they can save their image in society or secure their commercial gain. For the sake of

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[1] حاكم ١/١١٥

convenience they are prepared to hop over to any mazhab in order to achieve this objective. One should honestly ponder and contemplate over this crucial situation. Is such a person following Deen or following his nafs? Will such a person's actions be in conformity to the verse of the Qur'aan: وَلَا تَتَّبِعِ الْهَوٰى (Do not follow your desires.) [26:38] or is his action opposing this law of the Qur'aan? There are many glaring examples found in today's times which highlight this problem. Hereunder a few examples are cited:

A person is caught for exceeding the speed limit. He is given a R2000 fine by the police. He decides to look around to see whether any Aalim permits the paying of speeding fines with interest money. He is informed that a certain Aalim allows the paying of speeding fines with interest money. So this person feels quite satisfied that he has found some sort of justification for his actions (through the Fatwa of that specific Aalim). But at the same time he is told that you are presently eating prawns. According to the Fatwa of that very Aalim, prawns have been declared makrooh-e-tahrimi. Hence you should also adhere to the ruling of that Aalim in relation to the issue of prawns.

He responds, "There isn't only one Aalim in the whole world. Don't you know that so and so Aalim (in whose opinion it is impermissible to pay speeding fines with interest money) declared prawns as totally permissible? So I follow that Aalim in that issue." One should consider this situation and honestly answer the following question: Will the one adopting such an approach in these matters, as well as all other Deeni issues be regarded as a

sincere and steadfast Believer, or will he be considered a "Fatwa Shopper" and one following his whims and desires? Hence, we conclude from this situation that the one who opts to remain unrestricted, by following what he feels appropriate and correct eventually opposes two verses of the Holy Qur'aan:

إِنَّآ أَنْزَلْنَآ إِلَيْكَ الْكِتٰبَ بِالْحَقِّ فَاعْبُدِ اللّٰهَ مُخْلِصًا لَّهُ الدِّيْنَ

Worship Allah Ta'ala with sincerity. [39:2]

وَلَا تَتَّبِعِ الْهَوٰى فَيُضِلَّكَ عَنْ سَبِيْلِ اللّٰهِ

Do not follow your desires. [26:38]

Allamah ibnul Aabidin رحمة الله عليه narrated an incident that transpired in the time of Shaikh Abu Bakr Al-Jowzajani رحمة الله عليه. A Hanafi Aalim proposed to marry the daughter of a person who was from the Ahle-Hadith. The father refused to accept the proposal unless he agrees to abandon his present mazhab and begin practising 'Qiraat khalfal-Imaam' (reading qiraat whilst following an Imaam in Salaah) and 'Raf'ul-Yadain' (i.e. lift his hands before and after ruku) etc. The Aalim submitted to those conditions and the nikaah took place. When Shaikh Abu Bakr was asked regarding this situation he lowered his head and remarked: "I fear that the Imaan of this man may leave him at the time of his death, due to the fact that he abandoned a practice which he regarded as Sunnah, and

substituted it with a contradictory deed without any Shar‘i reason, but for the sake of securing a woman in nikaah." [1]

Moulana Ashraf Ali Thanwi رحمة الله عليه narrates a similar incident. He says: "There is a village near our area, wherein a man married a certain woman. Later it was learnt that both of them were breastfed by the same woman (thus being foster brother and sister). A person came to enquire from me what was to be done about the matter. I explained to him that this marriage is not correct, and that they should be separated. He remarked: 'This is going to be a source of immense disgrace. Please find a way for its permissibility?' I said to him: 'Firstly! There is no disgrace in separation. Rather, in living together, there will be immense disgrace, because people will say that you have united a brother and sister (in marriage). Secondly, even if there is disgrace, then let it be. When this is the command of the Shari‘ah, then there is no question of disgrace.' The man began to say: 'But he drank the milk in infancy and then immediately vomited it out.' So I told him: 'Whether he vomited it out or not, the law does not change.'

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[1] رد المحتار : ٤/٨٠ : لما في التاترخانية حكى أن رجلا من أصحاب أبي حنيفة خطب إلى رجل من أصحاب الحديث ابنته في عهد أبي بكر الجوزجاني فأبى إلا أن يترك مذهبه فيقرأ خلف الإمام ويرفع يديه عند الانحطاط ونحو ذلك فأجابه فزوجه فقال الشيخ بعد ما سئل عن هذه و أطرق رأسه النكاح جائز و لكن أخاف عليه أن يذهب إيمانه وقت النزع لأنه استخف بمذهبه الذي هو حق عنده وتركه لأجل جيفة منتنة

After receiving a clear answer from me, they proceeded to Delhi. There they found a man who claimed to practise on the Hadith only, (without following a mazhab). It is not my object right now to speak about him. Hence, to achieve their aim, they went to this person to see if their object could be fulfilled. That person issued a verdict that if he has consumed less than five sips, she does not become impermissible for him (to marry).

They immediately wrote out a questionnaire stating that a man drank two sips of milk from a woman during infancy. Does she become his foster mother? The answer was written (by that person) with the Hadith: لا تحرم المصة ولا المصتان (One or two sips do not create prohibition.), whereas this Hadith had been abrogated through the verse of the Holy Qur'aan:

حُرِّمَتْ عَلَيْكُمْ أُمَّهٰتُكُمْ وَبَنٰتُكُمْ وَاَخَوٰتُكُمْ وَعَمّٰتُكُمْ وَخٰلٰتُكُمْ وَبَنٰتُ الْاَخِ وَبَنٰتُ الْاُخْتِ وَاُمَّهٰتُكُمُ الّٰتِيْٓ اَرْضَعْنَكُمْ وَاَخَوٰتُكُمْ مِّنَ الرَّضَاعَةِ

(Forbidden upon you are your mothers, daughters, sisters, paternal aunts, maternal aunts, nieces [brother's daughters and sister's daughters], your foster mothers, and foster sisters.) [4:24]

The man became very happy and proceeded to the husband and wife and handed the Fatwa over to them saying: 'This after all is also an Aalim's Fatwa. If we practise on it, what harm will there be?'"

Today, this is the kind of self-interest that is found in people. [1]

The Fifth Problem

The fifth problem is that at times due to not confining oneself to one mazhab, a person will commit the serious crime of contradicting the consensus of the Sahaabah ﵃ and the entire Ummah of Rasulullah ﷺ. The Qur'aanic injunctions, as well as the Ahaadith are explicit with regards to the severity of such an act. Allah Ta'ala declares:

وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدٰى وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ
نُوَلِّهِ مَا تَوَلّٰى وَنُصْلِهِ جَهَنَّمَ ۖ وَسَآءَتْ مَصِيرًا

Whoever opposes the Rasul ﷺ after the guidance was manifest to him and he follows a path other than that of the believers then We shall leave him in the path he has chosen and We will enter him into Jahannum. What an evil abode! (Surah Nisa 4:115)

In one Hadith, Nabi ﷺ has stated:

من شذ شذ في النار

Whoever adopts an independent path will also be alone in Jahannum. (Mustadrak Hakim 1/115)

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[1] Ashraful Jawaab Pg.148

In yet another Hadith, Nabi ﷺ has said:

لا يجمع الله أمتي على ضلالة

Allah Ta'ala will not cause my Ummah to unite on misguidance.
(Mustadrak Hakim 1/115)

An example to illustrate the above-mentioned aspect is the question of three talaaqs issued all at once. Recently several incidents of this nature occurred, where a person issued his wife with three talaaqs in one sitting. Upon realising his error he wished to make up. However, the Ulama explained to him that his nikaah with his wife has terminated. Hence, until the Shar'i condition of halaalah does not happen, it is completely prohibited for him to continue living with the woman. The man was also informed that if they continued to live with each other, they would be living a life of zina. This person went around (in an earnest endeavour to save himself from the disgrace and embarrassment of society) asking whether any mazhab offers a solution to the present situation. He was repeatedly informed that there is consensus amongst all the four mazhabs as well as the entire Ummah from the time of the Sahaabah رضي الله عنهم upon this issue. This consensus continued for seven centuries till the time of ibn Taimiyyah, who was responsible for breaking the consensus. This person, desperate to save his integrity and extricate himself from the embarrassment, said: "I will accept this verdict and go by it."

Hence, the one who opts to follow an isolated view which was initiated many centuries after the era of the Sahaabah ﷺ (e.g. the question of three talaaqs being considered as one talaaq or that taraaweeh is only eight rakaats and not twenty rakaats) is implying by way of inference that the entire Ummah including the illustrious Sahaabah of Rasulullah ﷺ were unaware of the true Deen, or that they were in misguidance – Allah Forbid. Furthermore, one will be opposing the injunction of Rasulullah ﷺ wherein he said:

اقتدوا باللذين من بعدي أبي بكر وعمر (رضي الله عنهما) [١]

Follow the two who will come after me; Abu Bakr and Umar رضي الله عنهما.

Note: The mas'alah of three talaaqs being regarded as three is substantiated by the Qur'aan, Hadith, Aathaar of Sahaabah and Ijmaa'.

The Sixth Problem

The sixth problem is that a person who does not strictly adhere to one mazhab and instead randomly chooses the verdict of those Imaams whom he deems correct, at times opposes all mazhabs. Hence, his ibaadat is rendered null and void according to all the Imaams.

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[١] ترمذي ٢/٢٠٧

Consider the situation where a person wishes to follow the mazhab of Imaam Ahmad رحمة الله عليه in regard to the mas'alah of raf'ul yadain during Salaah (raising the hands at the time when going into ruku' as well as coming up from ruku') and he decides to follow the mazhab of Imaam Maalik رحمة الله عليه regarding the mas'alah of irsaal (not tying the hands in the standing posture, instead leaving it loose on the sides when reciting Surah Faatiha and a Surah). Thereafter in the mas'alah of Qiraat khalfal-Imaam he opts to follow the mazhab of Imaam Abu Hanifah رحمة الله عليه i.e. those behind the Imaam are not allowed to recite anything, neither Surah Faatiha nor a Surah, and in the mas'alah of Qunoot of Fajr he chooses to follow Imaam Shaafi'ee رحمة الله عليه i.e. it is necessary that Qunoot be read after coming up from ruku' in the second rakaat of Fajr. This person thereafter comes to know that according to the Salafees (though not according to the four Imaams of Fiqh) wudhu is valid by merely making masah over nylon or cotton socks and he then performs Salaah with such a wudhu. What will we say regarding the Salaah of such a person? According to no mazhab, neither the Salafees nor the four mazhabs, will the Salaah of such a person be valid. His Salaah will be invalid according to the four Imaams on account of his wudhu being invalid, and his Salaah will be invalid according to the Salafees on account of him not reciting Surah Faatiha behind the Imaam which is necessary according to them.

Moulana Ashraf Ali Thanwi رحمة الله عليه writes: "... When the condition prevalent amongst most people is that they follow that

which appeals to their personal reasoning then if they are not going to be restricted to any mazhab, their actions will definitely be based on self-interest. The outcome will then be like the person who bled after having performed wudhu. According to the Hanafi mazhab, his wudhu is nullified, and according to the Shaafi'ee mazhab, his wudhu remains intact. Therefore, he decides to follow the mazhab of Imaam Shaafi'ee رحمة الله عليه in this mas'alah. Thereafter he touches his wife, and since touching one's wife nullifies one's wudhu according to the Shaafi'ee mazhab contrary to the view of the Hanafi mazhab, he opts to follow the mazhab of Imaam Abu Hanifah رحمة الله عليه in this mas'alah. The result of this is that none of the mazhabs regard his wudhu as valid, neither Imaam Abu Hanifah رحمة الله عليه nor Imaam Shaafi'ee رحمة الله عليه. If he performs Salaah, his Salaah will be invalid according to both mazhabs (according to Imaam Abu Hanifah رحمة الله عليه due to blood flowing from his body and according to Imaam Shaafi'ee رحمة الله عليه due to him touching his wife). Hence, the one who adopts an attitude of following his desires in all matters of Deen remains a worshipper of his nafs (personal interests) and there will be no Deen left in his life. Thus such a concoction and mixture of the various mazaahib is impermissible according to all the Imaams.

The difference between us and the Sahaabah is that the primary concern of the Sahaabah was the fear of Allah Ta'ala and commitment to Deen. Conversely, our greater concern revolves around securing our personal interests and image in society. Hence, we are prepared to compromise our Deeni values in order to secure

our personal interests. Thus we understand that there was no real need for the Sahaabah to confine themselves to following one mazhab or one Imaam (considering the fact that the era they lived in was an era replete with many Mujtahideen.)

Furthermore, through Taqleed our Deen is completely systemized and codified (i.e. the four Imaams have extracted principles from the Qur'aan and Hadith by which they deduced laws and injunctions, thereby enabling us to understand each mas'alah of Deen in its correct perspective.) If we abandon Taqleed and follow what we deem correct, we will be de-systemizing and de-codifying our Deen. If our endeavour is to follow the most correct ruling of the four Imaams, then due to us not being capable of such a great task, we will be putting ourselves through unnecessary difficulty. If our objective is ease (by looking for concessions), then we will be enslaved to our nafs. Therefore, for the consistent balance of Shari'ah to remain, together with security against the nafs (self interest), Taqleed is essential. (Ashraful Jawaab 149-150)

The Seventh Problem

The seventh problem is that some people will reject Ijtihaad totally. They will feel that there is no need for making Ijtihaad. Instead, if any problematic situation arises, one should refer directly to the Qur'aan and Hadith in finding a solution, since Allah Ta'ala commands in the Qur'aan:

فَإِنْ تَنَازَعْتُمْ فِيْ شَيْءٍ فَرُدُّوْهُ إِلَى اللهِ وَالرَّسُوْلِ إِنْ كُنْتُمْ تُؤْمِنُوْنَ بِاللهِ وَالْيَوْمِ الْاٰخِرِ

If you dispute in any matter then refer it to Allah and the Rasul ﷺ if you truly believe in Allah and the last day. (Surah Nisa 4:59)

Thus they wrongly deduce from this aayah that there is no need for Ijtihaad. The outcome of those adopting this attitude is that they will be faced with one of three situations:

1. They will completely ignore all those aspects of Deen which are not explicitly mentioned in the Qur'aan and Sunnah but, have nevertheless been derived from these sources by the Mujtahideen through Ijtihaad.

2. They will not find Shar'i solutions to many contemporary issues and thus fall into suspicions and doubts regarding the truth of Islam. They will begin to feel that Islam is not a complete way of life since Shari'ah has not provided solutions to many issues.

3. They will consider themselves to be free to do as they wish in all matters that have not been explicitly mentioned in the Qur'aan and Sunnah. The end result of this is that they will follow their desires, thus causing them to veer astray. Allah Ta'ala says:

اَفَحَسِبْتُمْ اَنَّمَا خَلَقْنٰكُمْ عَبَثًا وَّ اَنَّكُمْ اِلَيْنَا لَا تُرْجَعُوْنَ

Do you think that We have created you in vain and that you will not be returned back to Us. (Surah Mu'minoon 23:115)

For example, if we consider the mas'alah of shaving the hair, there is mention in the Ahaadith regarding the impermissibility of shaving the beard, however there is no explicit mention in the Qur'aan as well as the Ahaadith of Rasulullah ﷺ regarding the mas'alah of shaving the hair on the cheek (i.e. above the beard) or the hair on the chest or on the calves. Similarly, there is mention in the Ahaadith regarding the mas'alah of a fly falling into milk, however there is no explicit mention in the Qur'aan as well as the Ahaadith of Rasulullah ﷺ regarding the mas'alah of a mosquito, flea, bee or wasp falling into milk. These masaa'il have been derived through the Ijtihaad of the Mujtahideen. Hence, what will be the viewpoint of such individuals (who reject Ijtihaad) regarding these types of masaa'il?

A Debate between Mufti Mahmood Hasan Gangohi Saheb رحمة الله عليه – former Mufti of Darul Uloom Deoband – and a Ghair Muqallid at the Maqaam-e-Ebrahim

Mufti Mahmood Saheb related that once, a ghair muqallid met him at the Maqaam-e-Ebrahim and said:

Ghair Muqallid: I have heard that you issue Fatwas. My advice to you is that you should never issue a Fatwa contrary to the Qur'aan and Hadith.

Mufti Saheb: If your advice is general then I am grateful and Jazaakallah (may Allah reward you.). However, if you have come across any of my Fatwas that contradict the Qur'aan or Hadith then kindly inform me so that I may look into it. If I have erred then I shall retract.

Ghair Muqallid: I have not come across any such Fatwa. Nevertheless, I have just heard that you issue Fatwas. Therefore, I decided to advise you in this regard.

Mufti Saheb: Well, listen attentively to what I have to say. When a query comes before me, I refer to the Qur'aan Shareef. If I find the answer recorded in the Qur'aan then I do not turn to anything else. For example, the question regarding three talaaqs (in one sitting) came before me. When I referred to the Qur'aan Shareef I found the aayah:

اَلطَّلَاقُ مَرَّتٰنِ

Two divorces can be issued (Surah Baqarah 2:229)

After a few lines Allah Ta'ala then says:

فَاِنۡ طَلَّقَهَا فَلَا تَحِلُّ لَهٗ مِنۡۢ بَعۡدُ حَتّٰى تَنۡكِحَ زَوۡجًا غَيۡرَهٗ

Then if he divorces her (the third divorce) she will not be halaal for him until she marries another husband. (Surah Baqarah 2:230)

We understand from here that if three talaaqs are issued, all three will be valid irrespective of whether they are issued in one sitting or separate sittings. The Qur'aan Shareef does not present any further detail in this issue. Hence, such a woman no longer remains halaal and lawful for her husband unless she undergoes the process of halaalah. Thus, in the mas'alah of three talaaqs I issued the verdict in conformity to the Qur'aan that the wife is totally unlawful for the husband.

If after searching through the Qur'aan Shareef I do not find a solution to my problem I refer to the Hadith. If I find the answer in the Hadith, then I do not refer to anything else. For example, the question regarding Qiraat Khalfal-Imaam (should the muqtadi recite Surah Faatiha behind the Imaam in Salaah) was posed to me. When I searched the Qur'aan Shareef I could not find any answer. Therefore, I then referred to the Hadith. I came across a narration in Saheeh Muslim where Nabi ﷺ stated: إذا قرأ فأنصتوا (When the Imaam is engaged in qiraat then the muqtadi should remain silent.). This Hadith is an authentic narration (Saheeh), clear in its purport (Sareeh) and it has not been abrogated (Ghair Mansookh). We clearly understand from this Hadith that it is impermissible for the muqtadi to engage in any recitation whilst the Imaam is reciting. Thus, I issued the Fatwa in conformity to the Hadith. Furthermore, if I do not find any solution in the Hadith then I adopt the view (Ijtihaad) of Imaam Abu Hanifah رحمة الله عليه.

Ghair Muqallid: It is impossible that you will not find a solution in the Hadith. If you cannot find the answer in your books, then search in the books of others.

Mufti Saheb: Who do you refer to when you say others? Must I search in the books of the Yahood and Nasaara?

Ghair Muqallid: No. Search in Bukhaari, Tirmizi, etc.

Mufti Saheb: Why do you refer to them as the books of others? Aren't they our books as well? We study and teach their kitaabs all the time. You claim that everything is found in the Hadith whereas the Hadith itself disproves what you are saying. It appears in the Hadith that when Rasulullah ﷺ dispatched Hadhrat Mu'aaz ؓ to Yemen, he asked him, "What procedure will you adopt when passing decisions in the affairs of the Muslims?" Mu'aaz ؓ replied: "I will decide in accordance to the Qur'aan." Nabi ﷺ then asked him: "If a law is not found in the Qur'aan then what will you do?" He replied, "I will refer to the Ahaadith of Rasulullah ﷺ." Nabi ﷺ then questioned him: "If the ruling is not found in the Ahaadith, then what will you do?" He replied: "I will employ my ability of reasoning (Ijtihaad) in reaching a conclusion." Upon hearing this, Nabi ﷺ said: "All praise be to Allah who inspired the messenger of Rasulullah ﷺ (Mu'aaz ؓ) with the correct guidance." (Tirmizi – Kitaabul Ahkaam – 1/247)

Ghair Muqallid: Ask me any question and I promise you that I shall furnish the answer from the Hadith.

Mufti Saheb: If you will be able to present to me a Hadith that is an authentic narration (Saheeh), clear in its purport (Sareeh) and it

has not been abrogated (Ghair Mansookh) for every mas’alah that I ask, then I shall seek forgiveness for being a Hanafi and I shall abandon the Taqleed of Imaam Abu Hanifah رحمة الله عليه. Well, then do you have any Hadith stating clearly regarding the permissibility or impermissibility of removing the hair on the cheek (above the beard). Similarly, can you present before me any Hadith regarding the hair on the chest and calves?

Since there is no clear Hadith found, he became extremely embarrassed and asked,

Ghair Muqallid: Do you wish to test me?

Mufti Saheb: Yes. I am testing you. Do you think that I will so easily abandon following the Hanafi mazhab? I will have to thoroughly examine you before abandoning Imaam Abu Hanifah and adopting your way.

He became enraged at this and began walking away. I then said to him, “Excuse me, but you had just promised me earlier that you will present a Hadith for every mas’alah that I ask you. So fulfil your promise. Don’t break your promise. This is a sign of a munaafiq (hypocrite). It is reported in the Hadith regarding the signs of a munaafiq: إذا وعد أخلف (when he makes a promise he breaks it).”

The ghair muqallid ignored me and left. So I said to him, “At least make musaafahah with both hands before you depart.” I then

extended both my hands and he stretched forth only one hand and made musaafahah (as is the way of the ghair muqallideen). [1]

The Eighth Problem

The eighth problem is that the one who does not subscribe to any of the four mazhabs and instead refers directly to the Qur'aan and Hadith will after a period of time inevitably fall into confusion and doubt. The reason for this is that the one who is unqualified in Deen will at times come across situations where the purport of the Ahaadith seems to contradict each other.

Consider the Hadith of Rasulullah ﷺ reported in Bukhaari which explains that Rasulullah ﷺ raised his hands when going into ruku' as well as when coming up from ruku'.

كان يرفع يديه حذو منكبيه إذا افتتح الصلاة وإذا كبر للركوع وإذا رفع رأسه من الركوع [٢]

Nabi ﷺ would raise his hands up to his shoulders when commencing Salaah, when saying the takbeer for ruku' and when rising from ruku'.

Opposed to this is the report of Nasaai Shareef which states that Nabi ﷺ only raised his hands at the time of takbeer-e-tahreemah

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[1] Malfoozaat of Faqeehul Ummah Mufti Mahmood Saheb رحمة الله عليه

[٢] بخاري ١٠٢/١

(i.e. at the commencement of the Salaah) and he did not raise his hands at any other time during the Salaah.

فلم يرفع يديه إلا مرة واحدة [١]

He only raised his hands once.

Similarly, the Hadith of Tirmizi and Abu Dawood Shareef proves that Nabi ﷺ also raised his hands after rising up from sajdah.

وإذا رفع رأسه من السجود أيضا رفع يديه حتى فرغ من صلاته [٢]

He raised his hands when getting up from sajdah.

One will be surprised to find that all these Ahaadith are authentic.

Another example is those narrations which explain that Aameen should be said softly after Surah Faatiha:

كان رسول الله صلى الله عليه وسلم إذا قرأ ولا الضالين قال آمين وخفض بها صوته[٣]

Rasulullah ﷺ would say Aameen after reading ولا الضالين *and he would lower his voice.*

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[١] نسائي ١/١٢٦

[٢] ابو داود ١/١٠٥، ترمذي ١/٦٧

[٣] ترمذي ١/٥٨

Other Ahaadith explain that the Aameen be said aloud.

كان رسول الله صلى الله عليه وسلم إذا قرأ ولا الضالين قال آمين ورفع بها صوته [1]

Rasulullah ﷺ would say Aameen and he would raise his voice.

Simirlaly, some Ahaadith explain that it is necessary under all circumstances to recite Surah Faatiha in Salaah. Otherwise, the Salaah will be invalid.

لا صلاة لمن لم يقرأ بفاتحة الكتاب [2]

There is no Salaah for he who does not recite Surah Faatiha.

However, other Ahaadith explain that it is necessary for the one behind the Imaam to remain silent. He is not allowed to recite anything in an audible and inaudible Salaah.

إذا قرأ فأنصتوا [3]

When the Imaam recites then remain silent.

من كان له إمام فقراءة الإمام له قراءة [1]

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[1] ابو داود ١/١٣٥

[2] ترمذي ١/٧٠

[3] مسلم ١/٧٤

Who has an Imaam, the recitation of his Imaam will be sufficient for him. (Hence there is no need for him to recite anything behind the Imaam.)

قال محمد : أخبرنا إسرائيل حدثني موسى بن أبي عائشة عن عبد الله بن شداد بن الهاد قال : أم رسول الله صلى الله عليه و سلم في العصر قال : فقرأ رجل خلفه فغمزه الذي يليه فلما أن صلى قال : لم غمزتني ؟ قال : كان رسول الله صلى الله عليه و سلم قدامك فكرهت أن تقرأ خلفه فسمعه النبي صلى الله عليه و سلم قال: من كان له إمام فإن قراءته له قراءة [٢]

Abdullah bin Shaddaad reports that Nabi ﷺ led the Asr Salaah. During the Salaah someone recited some Qiraat whilst following. Hence, a musallee besides him nudged him. After the Salaah, he asked the person, "Why did you nudge me?" He replied, "Nabi ﷺ was standing in front of you and I did not like that you recite any qiraat whilst following him." Nabi ﷺ heard this and said: "Whoever follows an Imaam, his (the Imaam's) qiraat will suffice for him."

It is also noteworthy that all these above mentioned Ahaadith have been authentically reported by the Muhadditheen. Hence, on what basis will one who is not a Mujtahid give preference to one Hadith over the other, more so when it cannot be chronologically proven in many cases which of the laws are the former and which are the

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[١] ابن ماجة ص ٦١ ، الدارقطني ٣٢٣/١

[٢] الموطا للامام محمد ص ١٠١

latter? What will be the basis of the judgement of such a person who is not acquainted with the various sciences of Shari‘ah, viz. Qur’aan, Hadith, Fiqh, the practices of the Sahaabah, Ijmaa’, etc., and he also does not have a set of rules governing his authenticating or disauthenticating the Ahaadith, nor does he understand the factors which credit or discredit the narrator or the reasons for preferring one to the other? It is obvious that he will eventually choose one narration either on the basis of personal interests or what his heart is inclined towards or what he sees people doing in a certain Arab country. This is definitely no grounds in Shari‘ah for giving preference.

An interesting dialogue with a Ghair Muqallid regarding the Muqtadee reciting behind the Imaam in Salaah

Hadhrat Mufti Mahmood Gangohi رحمة الله عليه was conducting a Bukhaari Shareef lesson in Kanpur when a person entered and posed a question which was totally unrelated to the lesson. Nevertheless the following discussion ensued between Hadhrat Mufti Saheb and the ghair muqallid:

Ghair Muqallid: What is your personal opinion regarding the mas’alah of Qiraat Khalfal-Imaam (the muqtadee reciting behind the Imaam in Salaah)?

Hadhrat Mufti Saheb: I will answer once you inform me which mazhab you subscribe to.

Ghair Muqallid: I am an Ahle-Hadith.

Hadhrat Mufti Saheb: Now you may present your question.

Ghair Muqallid: What is your personal opinion regarding the mas'alah of Qiraat Khalfal-Imaam (the muqtadee reciting behind the Imaam in Salaah)?

Hadhrat Mufti Saheb: Your question is quite disturbing.

Ghair Muqallid: It is strange that a mere question could disturb someone.

Hadhrat Mufti Saheb: Certainly! It is for this reason the Qur'aan has forbade us from posing certain questions. Does the Qur'aan not command us:

يَآيُّهَا الَّذِيْنَ اٰمَنُوْا لَا تَسْـَٔلُوْا عَنْ اَشْيَآءَ اِنْ تُبْدَ لَكُمْ تَسُؤْ كُمْ

"O You who believe! Do not pose such questions which, if explained to you, will cause you pain." (Surah Maa'idah, 101)

Ghair Muqallid: And may I ask in which way did my question disturb you?

Hadhrat Mufti Saheb: I am disturbed on account of the fact that you are enquiring about my personal opinion in this issue. Are you going to go by whatever I say? You ought to be asking what the Hadith has to say regarding this mas'alah."

Ghair Muqallid: Yes! That is exactly what I meant.

Hadhrat Mufti Saheb: Al-Hamdulillah! Your inner condition reveals that you consider whatever I am going to tell you to be in accordance to that which appears in the Hadith. (Therefore, you have inquired from me regarding my personal opinion.) Now that you have understood this, listen attentively! It is not compulsory for the muqtadi to recite behind the Imaam in Salaah.

Ghair Muqallid: Will you present to me your proof for saying it is not compulsory for the muqtadi to recite behind the Imaam?

Hadhrat Mufti Saheb: Once again you have disturbed me through your question.

Ghair Muqallid: How is that?

Hadhrat Mufti Saheb: You claim to be an Ahle-Hadith (a follower of the Hadith) whereas in this situation you have abandoned the teachings of the Hadith. The Hadith instructs the claimant to furnish proof, not the defendant. Since you are claiming that it is compulsory for the muqtadi to recite behind the Imaam in Salaah, it is your duty to furnish the proof:

البينة على المدعي

Nabi ﷺ said: It is the duty of the claimant to produce proof in substantiation of his claim.

Hafiz ibnus-Salaah in his "Muqaddamah" has categorically stated that this Hadith is a mash-hoor Hadith.

I am not the one who claims that it is compulsory for the muqtadee to recite behind the Imaam. Instead, it is you. Despite that, you still demand proof from me and act contrary to this Hadith:

البينة على المدعي

Nabi ﷺ said: It is the duty of the claimant to produce proof in substantiation of his claim.

Certainly this is not what is expected from a person who claims to be Ahle-Hadith (a follower of the Hadith).

Nevertheless, I will still explain to you (why reciting behind the Imaam is not compulsory). To prove compulsion, one needs an absolutely authentic proof known in Shari'ah as Nass-e-Qati.

In our case, the proof i.e. the Hadith which establishes reciting behind the Imaam is not an absolutely authentic proof (Nass-e-Qati).

Ghair Muqallid: Here's my proof ...

لا صلاة لمن لم يقرا بفاتحة الكتاب

There is no Salaah for he who did not read Surah Faatiha.

Hadhrat Mufti Saheb: Inform me, in which juz of the Qur'aan does this appear? In which Surah does this verse appear? Certainly this is no verse of the Qur'aan. Instead this is a Hadith which falls under the

category of khabrul waahid. Don't you even know the meaning of an absolutely authentic proof? (دليل قطعي)

Nevertheless since you have presented this Hadith, can you please explain how you have concluded from this Hadith that it is compulsory to recite behind the Imaam?

For a long time I have been waiting to ask the Ahle-Hadith how they conclude from this Hadith that it is compulsory for the muqtadi to recite Surah Faatiha. Consider the narration of Hadhrat Ubaadah bin Saamit ﵁:

"Once, after the completion of the Salaah, Rasulullah ﷺ enquired from the Sahaabah ﵃ as to who among them were reciting during the Salaah. Rasulullah ﷺ said:

لعلكم تقرؤون خلف إمامكم

It seems that you are reciting behind your Imaam

From this Hadith we understand that reciting behind the Imaam was not a command of Rasulullah ﷺ. Similarly, we come to know that reciting behind the Imaam was not a common practice during the era of Rasulullah ﷺ.

Had this been the common practice of the Sahaabah or the command of Rasulullah ﷺ, Nabi ﷺ would have not enquired from them whether they were reciting behind the Imaam. Furthermore, had this been the instruction of Rasulullah ﷺ, the companions of Rasulullah ﷺ would have replied:

"O our master ﷺ, as per your instruction we are reciting behind the Imaam."

It is for this very reason, we do not find that Rasulullah ﷺ ever questioned the Sahaabah whether they recited 'subhana rabbiyal azeem' in ruku', 'subhana rabbiyal a'ala' in sajdah or attihiyaat?

Why didn't Nabi ﷺ ask regarding these aspects? This is due to the fact that this was the general practice of the Sahaabah ‎رضي الله عنهم which everyone was carrying out as per the instruction of Nabi ﷺ.

However, in the case of reading behind the Imaam, the question was posed: "Who from amongst you were reciting behind me in Salaah?"

Some of the Sahaabah ‎رضي الله عنهم then timorously answered: "We were reciting behind you, O Nabi ﷺ!" Nabi ﷺ then said:

"Do not recite anything (behind your Imaam) with the exception of Surah Faatiha, for there is no Salaah for the one who does not recite Surah Faatiha ... (Bazlul Majhood)

Ghair Muqallid: "... You see! This is exactly what I mentioned to you!"

Hadhrat Mufti Saheb: "Certainly! But, allow me to explain to you the correct meaning of this Hadith. On one hand Rasulullah ﷺ prohibits reciting behind the Imaam through the following words: لا تقرءوا (do not recite behind the Imaam!) and on the other hand Rasulullah ﷺ makes an exclusion by saying إِلَّا (except for...). (So we have a prohibition together with an exclusion.) Thus the prohibition denotes impermissibility whilst the exclusion denotes permissibility. Definitely we understand that Rasulullah ﷺ will not prevent you from doing a certain thing and at the same time allow

you to do that very same thing. So could you explain to me which thing is Rasulullah ﷺ preventing us from and which thing is Rasulullah ﷺ allowing us to do. If we are being allowed to recite Surah Faatiha (behind the Imaam), then what are we being prohibited from?

Ghair Muqallid: "Everything besides Surah Faatiha will be left under the prohibition. In actual fact, what I mean is that the Hadith is stopping us from reciting anything (i.e. a Surah) after Surah Faatiha like reading some other verse or like joining another Surah to Surah Faatiha.

Hadhrat Mufti Saheb: "Very well. Let us make i'itibaar of this Hadith. Are you familiar with the terminology of the Muhadditheen when they mention i'itibaar?

Ghair Muqallid: "Certainly I am familiar with this terminology. I'itibaar means to accept and acknowledge something."

Hadhrat Mufti Saheb: NO! This is not what i'itibaar means. According to the Muhadditheen, i'itibaar means to carry out a comprehensive study in order to gather the various chains of a certain Hadith which are recorded in the books of Hadith. The purpose for carrying out this study is so that one may be able to keep before him the various texts of the same Hadith and pass a correct judgement. Now, making i'itibaar of this Hadith, we find different wordings appearing in different Ahaadith. The following text appears in one Hadith:

لا صلاة لمن لم يقرأ بفاتحة الكتاب فصاعدا

There is no Salaah for the one who does not recite Surah Faatiha and something else (over and above Surah Faatiha).

In another text it appears:

فما زاد

There is no Salaah for the one who does not recite Surah Faatiha and something additional

In yet another text it appears:

وما تيسَّر

There is no Salaah for the one who does not recite Surah Faatiha and whatever else you find easy to recite.

Another text reads:

وسورة معها

There is no Salaah for the one who does not recite Surah Faatiha coupled with another Surah.

Yet another text reads:

وآيتين معها

There is no Salaah for the one who does not recite Surah Faatiha and two more verses.

Keeping all these texts before us, we understand that it is permissible for one to recite more than Surah Faatiha. Now, you explain to me that if this is the case, then what exactly are we not supposed to recite behind the Imaam?

If you have any reservations regarding the authenticity of these texts, I will show it to you from the original works.

Hadhrat Mufti Saheb continued: "Let us leave these questions to be answered by the learned scholars. I wish to ask you another mas'alah. Tell me, if you entered the Musjid whilst the Imaam is in ruku', what will you do? Will you join him in ruku' or not?

If you don't join him then you (being an Ahle-Hadith) will be abandoning the Hadith which says: 'Join the Imaam in whichever posture you find him in.' (Musannaf Abdur Razzaaq 2/281)

And if you do join him in ruku', then what about your Surah Faatiha?

You could recite it in ruku', but then you will be contradicting the Hadith which prohibits reciting Qur'aan in ruku'. (Nasai).

You could do as some of the Ahle-Hadith do i.e. despite them joining the Imaam in ruku', they repeat the rakaat after the Imaam makes salaam. If you do accordingly, you will be abandoning the Hadith wherein Rasulullah ﷺ said: "Who joins the Imaam in ruku' has got the rakaat." (Bazlul Majhood)

Now tell me, how can one call himself an Ahle-Hadith when he has ignored all these Ahaadith of Rasulullah ﷺ? In fact (from the Ahaadith mentioned) he has not practised on a single Hadith.

Ghair Muqallid: How do I come out of this problem? I am cornered from all sides.

Hadhrat Mufti Saheb: "What a simpleton you are! After I have cornered you from all sides, you are asking me for a way out."

Ghair Muqallid: "If you had found the Imaam in ruku', what would you do?"

Hadhrat Mufti Saheb: "Why are you now referring to me? Has your treasure of Ahaadith depleted? And if I do tell you, will you go by what I say?"

Ghair Muqallid: (Silent)

Hadhrat Mufti Saheb: "If I do tell you, will you promise to adopt Taqleed as we do?"

Ghair Muqallid: "Please don't entangle me with your arguments."

Hadhrat Mufti Saheb: "You have become so entangled, as if there is no way out of it. As for me, I would simply refer the matter to Hadhrat Imaam Abu Hanifah. I would go up to him and say: "Hadhrat! I am cornered from all sides, please show me a way out."

Imaam Abu Hanifah would say: "Son! The Hadith is explicit: "In whichever posture you find the Imaam, join him." Son! Follow the Hadith and go directly into ruku', for it is impermissible to contradict the Hadith."

Furthermore, understand O my son! The Hadith has prohibited us from reciting Qur'aan during ruku'. Hence do not recite Surah Faatiha in the state of ruku', for indeed it is a grave offence to contradict the Hadith.

And my dear son! The Hadith says: Who joins the Imaam in ruku', has got the rakaat. So regard that rakaat as counted and do not repeat it. Otherwise you will be committing a serious crime by ignoring the Hadith.

I will then enquire: "O Imaam Saheb! What about the Hadith:

لا صلاة لمن لم يقرأ بفاتحة الكتاب

There is no Salaah for he who does not recite Surah Faatiha.

Imaam Abu Hanifah would reply:

Son! This Hadith refers to the one who is not behind an Imaam, e.g. someone who is performing Salaah alone or this Hadith refers to the Imaam himself.

If the Imaam or the one performing Salaah alone does not recite Surah Faatiha, the Salaah will not be complete.

As for the one following the Imaam, then there are other Ahaadith relating to him. For example the narration which says:

إذا قرأ فأنصتوا

When the Imaam recites then remain silent. (Muslim)

من كان له إمام فقراءة الإمام له قراءة

Who has an Imaam, the recitation of his Imaam will be sufficient for him (Hence there is no need for him to recite anything behind the Imaam.) (Tabraani, Daara Qutni, Ibnu Majah ... See Bazlul Majhood)

الإمام ضامن

The Imaam is made responsible for the entire congregation. (Tirmizi)

After all, there must be something which the Imaam has taken responsibility of.

Ghair Muqallid: The narrator of that Hadith is a kazzaab (liar).

Hadhrat Mufti Saheb:

إذا قرأ فأنصتوا

When the Imaam recites then remain silent. (Muslim)

This Hadith is a Hadith narrated by Imaam Muslim in Muslim Shareef. How dare you find fault with the narrator?

Anyway, who is this narrator? Let me make a note of him. Who knows, he might appear in one of your proofs and I will use it against you.

Ghair Muqallid: There's nothing wrong with this Hadith. I was referring to the other Hadith which says:

من كان له إمام فقراءة الإمام له قراءة

Who has an Imaam, the recitation of his Imaam will be sufficient for him (Hence there is no need for him to recite anything behind the Imaam.) (Tabraani, Daara Qutni, Ibnu Majah ... See Bazlul Majhood)

In this narration there is a kazzaab (liar).

Hadhrat Mufti Saheb: "And who is this kazzaab narrator?"

Ghair Muqallid: "Jaabir Ju'fi"

Hadhrat Mufti Saheb: "And which Muhaddith ruled Jaabir Ju'fi as a kazzaab?"

Ghair Muqallid: "Abu Hanifah"

Hadhrat Mufti Saheb: Subhanallah! You mean you are actually relying upon what our Imaam Abu Hanifah said regarding a narrator of Hadith! This is fantastic. For years people have been saying Abu Hanifah does not know Hadith. Today, it pleases me to hear from your mouth that Imaam Abu Hanifah was well acquainted with Hadith.

In fact, from your statement we also learn that Imaam Abu Hanifah must have written a book on Hadith in which he discussed at length the narrators of Hadith. Would you be kind enough to quote the book wherein Imaam Abu Hanifah had recorded this?

Ghair Muqallid: (Silent)

The Azaan of Asr was then called out and the ghair muqallid got up and started leaving.

Hadhrat Mufti Saheb: "Join us Hanafis for one Salaah at least. You may by all means recite behind the Imaam if you wish."

Ghair Muqallid: "I'm in a hurry. I have some important work."

Hadhrat Mufti Saheb: "Well, then listen to this Hadith before you leave. It appears in the narration of Sihah (authentic narrations) that whenever Shaitaan hears the Azaan he runs away whilst passing wind. (Bukhaari, Muslim and Mishkaat)

All objects, be it the stones, sand, etc., that are found in the vicinity until the furthest point to where the voice of the muazzin reaches will bear testimony for him on the Day of Judgement. Shaitaan therefore escapes out of fear that his name will be enlisted amongst those who will intercede for the muazzin.

At the same time, another Hadith says:

من تشبه بقوم فهو منهم

He who imitates a nation; he will be counted from amongst them. (Mishkaat)

Hence, (after hearing the Azaan) if you are going to leave in this manner without performing Salaah, you will be resembling Shaitaan.

'Awjazul Masaalik' quotes the statement of Imaam Maalik:

"In wudhu, use your hand to clean your nose. Do not blow your nose in a manner which resembles the snorting of a donkey."

Hence you should not resemble Shaitaan by leaving without performing Salaah.

The ghair Muqallid left without saying anything. [1]

A Few Examples of the Disastrous Outcome of those who refer directly to the Qur'aan and Hadith

Moulana Sarfaraaz Khan رحمة الله عليه writes: "I have a sincere Deeni conscious friend whose daughter-in-law claimed to follow the Hadith. It was her practise that whenever she required a compulsory ghusal (bath) she would merely throw three handfuls of water over her body. She insisted that the Hadith of Saheeh Bukhaari only instructs one to throw three handfuls of water over the head for a fardh (obligatory) ghusl and that there is no need to pour water over the entire body. This became such a serious problem that it led to divorce. The Hadith which she referred to does appear in Saheeh Bukhaari (1/39) where Rasulullah ﷺ said whilst indicating with both his hands: 'I pour water over my head thrice.' However, this is just one portion of the Hadith. The detailed narration which appears in the very same chapter after a few lines explains the procedure, where it says that thereafter he ﷺ poured water over his entire body. (Bukhaari 1/39) [2]

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[1] Malfoozaat of Faqeehul Ummah Mufti Mahmood Saheb (Rahmatullahi Alaihi)

[٢] الكلام المفيد (ص ٢١٩)

A Hadith of Saheeh Bukhaari (1/250-251) states: "An Umrah in Ramadhaan equals to a Hajj with me i.e. Rasulullah ﷺ." Similarly another Hadith states: "The one who performs Fajr Salaah in congregation and thereafter sits till sunrise remembering Allah Ta'ala and performs two rakaats of nafl Salaah, he would attain the reward of a complete Hajj and Umrah." (Sunan Tirmidhi 1/130) If a person looks at the apparent meaning of these two Ahaadith without the medium of an Imaam, he would conclude that there is no need for him to perform his fardh Hajj, since he has already attained the reward of a complete Hajj and a Hajj with Rasulullah ﷺ. If he refers to an Imaam, he would explain that these Ahaadith only refer to the reward of Hajj. However, these actions do not absolve him from the obligation which still remains on him.

Another real example of the above is: Once a man (who was going for Umrah) came to an Aalim and said: "The Hadith says that one Salaah in Makkah Mukarramah equals one hundred thousand Salaah elsewhere. (Sunan Ibni Majah Pg. 101) So if I perform one qadhaa Salaah there, won't it compensate for all my qadhaa Salaah?" The Aalim replied: "If your deduction is correct, then not only will it compensate for your past Salaahs, rather there will be no need for you to perform any more Salaah in the future as well." Thereafter he explained to him that this only refers to the reward and not the obligation.

From these examples we understand that referring directly to the Qur'aan and Hadith without the medium of an Imaam is detrimental to our Deen. In the first situation, the woman's ghusl

was incorrect. Hence none of her Salaahs would be accepted. In the second example, the person would have discarded the fifth pillar of Islam. In the third situation the person would end up discarding Salaah completely.

Note: When such great luminaries in the field of Hadith, the likes of Imaam Abu Dawood and Imaam Tirmizi رحمة الله عليهما who compiled books on Hadith, likewise experts like Allamah Nawawi and Hafiz ibn Hajar Asqalaani who prepared extensive commentaries on Bukhaari and Muslim (which run into volumes) confined themselves to following one of the four Imaams, then how can a layman of this era who refers to a mere translation of these very books of Hadith regard himself absolved of following an Imaam?

The Ninth Problem

The ninth problem is that since there exists no fifth mazhab in the world at present, those who wish to adopt a new mazhab (by directly referring to the Qur'aan and Hadith), will have to do either one of two things in order to reach the correct conclusion. They will either employ their personal reasoning when they come across any apparent contradiction in the Ahaadith or alternatively, depend upon the verdict of a scholar of recent times. By acting upon either one of the two, what assurity do they have that the conclusion they reach is correct. Furthermore, since they personally do not possess the required level of Deeni knowledge nor the potential to verify the exact position of the information

they come across, trying to solve complex problems which relate to the chain of narrators of the Ahaadith or analysing complicated situations which have already been worked out by the four Imaams and their followers will be nothing but a mockery of the Deen of Allah Ta'ala. Apart from that, the major fear that remains is that if any mistake occurs, then one will be guilty of the sin of adulterating the Deen of Allah Ta'ala as the warning has been sounded in the Hadith of Rasulullah ﷺ:

عن أبي هريرة رضي الله عنه قال قال رسول الله صلى الله عليه و سلم: من أفتى بغير علم كان إثمه على من أفتاه. رواه أبو داود [١]

Hadhrat Abu Hurairah رضي الله عنه reports that Rasulullah ﷺ said: If a person incapable of issuing verdicts in Deen issued a verdict, he will bear the sin (consequence) of the incorrect verdict he issued.

عن جابر قال خرجنا في سفر فأصاب رجلا منا حجر فشجه في رأسه فاحتلم فسأل أصحابه هل تجدون لي رخصة في التيمم قالوا ما نجد لك رخصة و أنت تقدر على الماء فاغتسل فمات فلما قدمنا على النبي صلى الله عليه وسلم أُخبر بذلك قال قتلوه قتلهم الله ألا سألوا إذا لم يعلموا فإنما شفاء العي السوال إنما كان يكفيه أن يتيمم و يعصب على جرحه خرقة ثم يمسح عليها و يغسل سائر جسده . [٢]

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[١] ابو داود ص ٥١٥

[٢] ابز داود ص ٤٩

Hadhrat Jaabir ﷺ reports that they were once on a journey when a person amongst them was struck by a rock and suffered severe head injuries. He then experienced a wet-dream (thus requiring ghusl). So he asked some of his companions if there was any concession for performing tayammum. They replied: "There is no concession for you since water is available." Thus, this Sahaabi took a bath and passed away (as a result of making ghusl). When they returned and Nabi ﷺ was informed of this, he said: "They killed him, may Allah kill them. Why couldn't they enquire from those who were knowledgeable when they did not know? The cure of an ailing person (an ignorant person) is to ask. It was sufficient for him to only perform tayammum and bandage his wound. He could have then rubbed his moist hand over it and wash the rest of his body."

Conversely, those who abide by the verdicts of any of the four A'immah-e-Mujtahideen will be rightly guided and rewarded even in a situation where a difference is found among them, irresepective of whose mazhab he abides to. If per chance the Imaam erred in his ruling (in issues where the doors of Ijtihaad have been left open) then too it will be approved in the court of Allah Ta'ala. The Hadith of Rasulullah ﷺ is explicit in this regard:

عن أبي هريرة قال : قال رسول الله صلى الله عليه وسلم إذا حكم الحاكم فاجتهد فأصاب فله أجران وإذا حكم فأخطأ فله أجر واحد [1]

[1] الترمذي ص ٢٤٧

Hadhrat Abu Hurairah ﷺ reports that Rasulullah ﷺ said, 'If a Mujtahid employs Ijtihaad when issuing a verdict and he reaches the correct conclusion, he will receive a double reward. And if he employs Ijtihaad and errs, he will receive one reward from Allah Ta'ala.

Furthermore, in certain situations we notice apparent contradictions between the purport of certain Ahaadith and certain verses of the Qur'aan. In order to reach the correct conclusion, the A'immah-e-Mujtahideen employed their faculty of Ijtihaad and carried out a thorough analysis before adopting their mazhab. In this regard, the Ahaadith had to be examined completely and viewed from diverse angles. The chain of narrators had to be checked and the position of every narrator scrutinized. In short, several aspects had to be thoroughly examined before adopting a particular view in their mazhab.

The Tenth Problem

The tenth problem is that not being committed to one mazhab will cause one to change the entire structure of one's Deen. This change will slowly and gradually take place in stages. The first stage is that one will no longer remain committed since one's direction has been lost. One will no longer see the need to follow one mazhab, resulting in one beginning to personally choose the opinions in deen which suit one's lifestyle or conform to one's personal interest.

The second stage is that there will be a gradual transformation in the value system, outlook and mindset one used to hold on to while being ascribed to one mazhab. The third stage is that after a period of time such an individual will no longer confine the mindset of free thinking to oneself, rather he will influence his subordinates and circle of friends to adopt his idea of free thinking. The ill-effects of this will become apparent in every department of one's Deen, to such an extent that until and unless one does not get to terms with rationalising the laws of Deen and measuring it according to one's personal level of reasoning, one will not see the need to follow it. Hence, the net outcome of this is that one's value system of Deen will resemble an enterprise being run on one's personal choice and opinion.

The method of education in the Mubaarak era of Rasulullah ﷺ

In the era of the Sahaabah, the method of education was that people acquired the knowledge of Deen (the Qur'aan and Hadith) under the guidance of those who were learned in the various branches of Deen. Despite the Sahaabah being fully conversant in the Arabic language, yet in matters of Deen they never adopted the approach of self-study nor did they refer directly to the Qur'aan and Hadith. They were well aware of the grave warnings that have been sounded by Rasulullah ﷺ in his Mubaarak Ahaadith for the one who treads on such a dangerous path, as well as the serious consequences of adopting such an approach.

In one Hadith Rasulullah ﷺ is reported to have said: "The one who fabricates or concocts something in Deen and incorrectly attributes it to me, he has prepared his abode in the fire of Jahannum." [1]

Generally people studying the Qur'aan and Hadith on their own reach incorrect conclusions and misinterpret the Qur'aan and Hadith. The outcome of this is that they present the wrong message of Deen to the Ummah while attributing it to Allah Ta'ala and His Rasul ﷺ. Hence there is the great fear of them coming under the purview of the above mentioned warning of Rasulullah ﷺ.

Apart from this, Rasulullah ﷺ foretold the coming of such times before Qiyaamah; where the true spirit of Deen that existed in the beginning of Islam will no longer remain. The caution that was exercised by the Sahaabah in Deeni matters will no longer be seen. People will refer directly to the Qur'aan and Hadith in sourcing out solutions for their Deeni problems. Nabi ﷺ said:

وروي عن أبي مالك الأشعري أنه سمع النبي صلى الله عليه و سلم يقول لا أخاف على أمتي إلا ثلاث خلال أن يكثر لهم من الدنيا فيتحاسدوا وأن يفتح لهم الكتاب يأخذه المؤمن يبتغي تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولو الألباب وأن يروا ذا علم فيضيعوه ولا يبالوا عليه (الترغيب و الترهيب ١/١٥٢)

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[1] صحيح مسلم

"I fear in special three shortcomings in my Ummah. Firstly, due to the abundance of material wealth and possessions, jealousy will spread among them for one another. Secondly, they will begin to freely discuss the Holy Qur'aan (without referring to the Ulama and the learned), whereas many meanings in the Qur'aan are such that they cannot be understood by anyone except Allah Ta'ala. (In regard to such verses), the well-versed scholars of the Book say: "We fully believe in it, and that it has come from Allah Ta'ala." (Thus how much more careful should the common people be.) Thirdly, the religious scholars will be neglected and ignored and people will not see the need to refer to them (i.e. people will adopt the approach of self-study in Deen and refer to the Qur'aan and Hadith directly)." (At-Targheeb Wat-Tarheeb 1/152)

The Harms of the layman referring directly to the Qur'aan and Hadith

On one occasion a person came to Hadhrat Umar ﵁ for some work. During the conversation, Hadhrat Umar ﵁ asked him regarding the condition of the people in the land he had come from. The person replied: "O Ameerul Mu'mineen, there is a great awakening among the people and people are learning the Qur'aan and referring to the Qur'aan directly in Deeni matters (i.e. without the guidance of the Ulama)." Hadhrat ibn Abbaas رضي الله عنهما was present in this gathering and upon hearing the statement of this person, he said: "I take an oath on Allah Ta'ala, I do not like that people begin learning and studying the Qur'aan by themselves." Upon this, Hadhrat Umar ﵁

immediately reprimanded him and disapproved of the objection he raised against the approach of the people.

After being reprimanded by Hadhrat Umar ﷺ, Hadhrat ibn Abbaas رضي الله عنهما says: "I then went home extremely grieved and worried and said to myself: 'It seems that on account of my statement, I have fallen from the sight of Hadhrat Umar ﷺ and lost the lofty position I was enjoying.'" He further says: "After returning home, I rested on my bed, until the womenfolk of the house became concerned of my condition. It was not due to any ailment that I had fallen ill, rather over what had occurred during the conversation with Hadhrat Umar ﷺ. While I was in that condition, a person came to me and said: 'The Ameerul Mu'mineen has sent me to call you.' I then came out of my home and Hadhrat Umar ﷺ was there waiting for me. He took hold of my hand until we were in seclusion. He then asked: 'What was it that you disapproved regarding the statement made by that man earlier?' I replied: 'O Ameerul Mu'mineen, if I have erred, then I seek the forgiveness of Allah Ta'ala and repent, and I am prepared to correct my stance according to what you advise me.' Hadhrat Umar ﷺ said: 'No, rather tell me the reason for your disapproval?' I replied: 'O Ameerul Mu'mineen, the reason for me disapproving people referring to the Qur'aan directly is that they will begin to reach their own conclusions and formulate their own opinions in Deen. When this will happen, then the outcome of this is that each person will have his own version of Deen and confine the truth to what he feels. This will then lead to differences and dissension coming about in the ranks of the Muslims (based on

ignorance). The dissension will then lead to arguments and disputes and ultimately Muslims will be fighting with Muslims.'" Hadhrat Umar ﷺ was greatly pleased with what Hadhrat ibn Abbaas رضي الله عنهما said and told him that he also felt the same though he hadn't expressed this to anyone till the time you mentioned it.

Salafiyyat under the microscope

Salafiyyat is the latest trend in the world which has been given a Deeni body and form though bereft of the spirit and soul of Deen. After a lengthy period of twelve hundred years (during which the Ummah remained committed to the four mazhabs) this neo-mazhab made its appearance.

Most people ascribing themselves to this new mazhab wish to lead a free and unhindered life. They do not want to be bound by any restrictions which come in the path of their worldly interests. However, at the same time their aim is to appear as Deeni committed people treading on the path of Deen. Similarly, they are greatly concerned that people do not alienate them from the rest of the Ummah nor label them as "transgressors in Deen" on account of their laxity in Deen. Hence through directly referring to the Qur'aan and Hadith, they remain under the misconception that they are the only ones who are following Rasulullah ﷺ and that those subscribing to the four mazhabs are following their Imaams and not Rasulullah ﷺ. Little do they realise that each Imaam precisely guided the Ummah towards the Qur'aan and Hadith and presented the essence of the Sunnah in its pristine form. On the

contrary, the Salafis and those who endeavour to break away from the mainstream of the Ummah have become victims of opposing the Sunnah in many branches of Deen.

They earmarked certain masaa'il from different mazaahib together with highlighting the source of those masaa'il from the relevant books of Hadith (e.g. Bukhaari and Muslim). Thereafter they impressed upon the Ummah that it is only their view that is correct and every other view is incorrect. In doing so, they deliberately ignored the other authentic narrations which establish the practice adopted by the other mazaahib in that mas'alah.

Furthermore, in situations where the four A'immah do not "apparently" practise upon certain Ahaadith based on substantial proofs and reasons, they latched onto such Ahaadith and accused the A'immah of abandoning the Ahaadith of Rasulullah ﷺ. Similarly, we notice that wherever differences in masaa'il exist among the Imaams, they promoted independent research and study and allowed choosing whichever view one feels to be correct.

The purpose of Salafiyyat

After a thorough study and examination of this new mazhab called salafiism one reaches this conclusion that the purpose and aim of those who were responsible for spreading this mindset in the world in the beginning of the 12th century was:

1. To create internal fights and dissension in the Ummah especially amongst those who ascribe themselves to the four Imaams.
2. To cause the minds of the Muslims to be stormed by suspicions and doubts in their Deen.
3. To remove the confidence of the people from the A'immah and Aslaaf.
4. To cause the masses to become liberal and lax in matters of Deen and to pick and choose the opinion of that Imaam which conforms to their personal reasoning.

In order to accomplish their mission, the plan of action they executed was:

1. They used the differences between the four mazaahib as a basis for creating confusion and doubts.
2. They invited towards practising upon isolated opinions (Shaaz Aqwaal) which oppose the mainstream view of the Ummah.
3. They allowed the masses to randomly choose from different mazaahib and not to blindly follow one mazhab.
4. They promoted the concept of "rationalizing Deen to suit contemporary times".

5. They encouraged the masses to refer directly to the Qur'aan and Hadith in finding Deeni solutions to modern day problems.

6. They exhorted the masses to reinterpret the Qur'aan and Hadith to fit contemporary situations.

Some of the views that they have ascribed themselves to and very staunchly advocate are as follows:

1. Raf'ul Yadain (raising the hands when going into ruku' and getting up from ruku'). This conforms to the Shaafi'ee and Hambali mazhab. According to the Maaliki and Hanafi mazhab, the hands are only raised at the beginning of the Salaah (Mughnil Muhtaaj 1/388 ; Al-Mughni Libni Qudaamah 1/ 171 ; Haashiyatud-Dasuqi 1/ 396 ; Shaami 1/ 506)

2. Aameen bil Jahr (reciting the Aameem aloud). This conforms to the Shaafi'ee and Hambali Mazhab contrary to the Maaliki and Hanafi Mazhab. (Mughnil Muhtaaj 1/379 ; Al-Mughni Libni Qudaamah 1/ 162 ; Haashiyatud-Dasuqi 1/ 398 ; Shaami 1/ 492)

3. Jama' bainas-Salaatain (joining Salaahs during a journey). This conforms to the Maaliki, Hambali and Shaafi'ee mazhab contrary to the Hanafi mazhab.

(Mugnil Muhtaaj 1/603 ; Al-Mughni Libni Qudaamah 1/ 131 ; Haashiyatud-Dasuqi 1/ 584 ; Shaami 1/ 381)

4. Placing the hands on the ground before the knees when going into sajdah. This conforms to the Maaliki mazhab contrary to the Shaafi'ee, Hanafi and Hambali mazhab. (Mughnil Muhtaaj 1/399 ; Al-Mughni Libni Qudaamah 1/ 199 ; Haashiyatud-Dasuqi 1/ 401 ; Shaami 1/ 497)

5. The postures of the woman's Salaah is exactly the same as men's Salaah which does not conform to any of the four mazaahib. Hence, they have omitted many Ahaadith in this regard. (Majmu'l Fatawa 3/343; Al-Mugni Libni Qudaamah 1/ 258; Haashiyatud-Dasuqi; Shaami 1/ 504)

6. Wadh'ul Yadain 'Alas-Sadr (placing the hands during Salaah upon the chest) which does not conform to any of the four mazaahib. (Majmu'l Fatawa 3/187; Al-Mugni Libni Qudaamah 1/ 140; Haashiyatud-Dasuqi; Shaami 1/ 486)

7. Masah upon ordinary socks which does not conform to any of the four mazaahib. (Masah alal Jowrabain by this humble author pg. 58/59)

8. Performing eight rakaats of Taraweeh which does not conform to any of the four mazaahib. (Khairul Masaabeeh fi Adadit Taraweeh pg. 42)

9. Three talaaqs issued at once is regarded as one talaaq which does not conform to any of the four mazaahib. (Al-Aa'laamul Marfoo'ah fi hukmit talaqaatil majmoo'ah by Sheikh Muhaddith Habeebur Rahmaan A'azami)

10. They severed themselves from the Ahlus-Sunnah wal-Jamaa'ah in regard to certain beliefs in Deen e.g. Istiwaa 'Alal-Arsh. (Aqeedatu Ahlis Sunnah wal Jamaa'ah by Shaikh Uthaymeen pg. 11)

The essence of Salafiyyat

In essence, this mazhab is an assortment of the four mazaahib blended with personal opinions. Hence, wherever one is faced with differences among the A'immah, he is at liberty to hop from one mazhab to another and choose what appeals to his reasoning. If anyone dare raise an objection against him, then he defends himself by quoting the Hadith of Rasulullah ﷺ out of context:

عن أبي هريرة قال : قال رسول الله صلى الله عليه وسلم إذا حكم الحاكم فاجتهد فأصاب فله أجران وإذا حكم فأخطأ فله أجر واحد [١]

Hadhrat Abu Hurairah ؓ reports that Rasulullah ﷺ said, "If a Mujtahid employs Ijtihaad when issuing a verdict and he reaches the correct

[١] الترمذي ص ٢٤٧

conclusion, he will receive a double reward. And if he employs Ijtihaad and errs, he will receive one reward from Allah Ta'ala."

However, in doing so, they have failed to realise that this Hadith is in relation to a Mujtahid (the one who posseses the capability of Ijtihaad in Deen, as was the position of the four Imaams and the Mujtahids of the previous eras of the Sahaabah and the Taabi'een). This Hadith does not relate to the layman. As far as those Ahaadith that relate to the layman, then they had ignored those Ahaaadith. There are many Ahaadith which prohibit the masses from tampering and interfering with the pristine Shari'ah of Islam. This is the clear message given in the following Hadith:

عن جابر قال خرجنا في سفر فأصاب رجلا منا حجر فشجه في رأسه فاحتلم فسأل أصحابه هل تجدون لي رخصة في التيمم قالوا ما نجد لك رخصة و أنت تقدر على الماء فاغتسل فمات فلما قدمنا على النبي صلى الله عليه وسلم أُخبر بذلك قال قتلوه قتلهم الله ألا سألوا إذا لم يعلموا فإنما شفاء العي السوال إنما كان يكفيه أن يتيمم و يعصب على جرحه خرقة ثم يمسح عليها و يغسل سائر جسده .[١]

Hadhrat Jaabir ﷺ reports that they were once on a journey when a person amongst them was struck by a rock and suffered severe head injuries. He then experienced a wet-dream (thus requiring ghusl). So he asked some of

[١] أبو داود ص ٤٩

his companions if there was any concession for performing tayammum. They replied: "There is no concession for you since water is available." Thus, this Sahaabi took a bath and passed away (as a result of making ghusl). When they returned and Nabi ﷺ was informed of this, he said: "They killed him, may Allah kill them. Why couldn't they enquire from those who were knowledgeable when they did not know? The cure of an ailing person (an ignorant person) is to ask. It was sufficient for him to only perform tayammum and bandage his wound. He could have then rubbed his moist hand over it and washed the rest of his body."

From this Hadith we understand that it is impermissible for the layman to independantly apply Ijtihaad and try to reach any conclusion in Deeni matters. Otherwise, Rasulullah ﷺ would have first asked them: "Did you first apply Ijtihaad before you issued the verdict to him or not?" Whereas since it is not permissible for the layman to refer directly to the Qur'aan and Hadith and source out Deeni solutions, Nabi ﷺ was overcome with anger and cursed them on this occasion.

Outcome

The result and outcome of Salafiyyat is that a fifth mazhab has been created in the world. The only difference between this fifth mazhab and the four mazaahib is that each individual will be the Imaam of his own mazhab which will be designed and tailored to conform to his reasoning. Hence, those who tread along the path of Salafiyyat

will only remain Muslims by name, but bereft of the Sunnah of Rasulullah ﷺ. As far as their lifestyle and outlook is concerned, they will subject themselves to western cultures and traditions, thus, leading a carefree life governed by their whims and fancies.

وعن علي قال قال رسول الله صلى الله عليه وسلم يوشك أن يأتي على الناس زمان لا يبقى من الإسلام إلا اسمه ولا يبقى من القرآن إلا رسمه مساجدهم عامرة وهي خراب من الهدى علماؤهم شر من تحت أديم السماء من عندهم تخرج الفتنة وفيهم تعود [١]

It is reported from Hadhrat Ali ﵁ *that Rasulullah* ﷺ *said: "Soon a time will dawn upon the people when Islam will only remain in name and the Qur'aan will be confined to its text. The Masaajid will be full of people but void of guidance. The Ulama (of that time) will be the worst people on the face of the earth. They will be the cause of mischief and corruption spreading in the earth and the corruption will return to them.*

عن أبي ثعلبة في حديث طويل قال: .... قال رسول الله صلى الله عليه وسلم إذا رأيت شحا مطاعا وهوى متبعا ودنيا مؤثرة وإعجاب كل ذي رأي برأيه [٢]

Abu Tha'labah ﵁ *reports that Rasulullah* ﷺ *said: "(A time will dawn upon my Ummah before Qiyaamah when)You will witness people fulfilling their*

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[١] مشكوة المصابيح ص ٣٨ نقلا عن شعب الايمان للبيهقي رقم ١٩٠٨

[٢] أبو داود ص ٥٩٧

greed, following their base desires, giving preference to dunya over Deen and being satisfied with their own reasoning and understanding."

Nabi ﷺ has forewarned us of such a time which we are presently witnessing. The preservation of the true spirit and teaching of Deen has become secondary and people have attempted to scuttle the smooth sailing ship of Islam by creating an environment of self opinion and deviation from the firmly established path of the pious predecessors.

Twenty five years of experience

Moulana Bitaalwi (an Aalim who did not subscribe to the following of any of the four mazaahib eventually realised the damage and harm caused by biasedly speaking against the four Imaams) says:

"Many of the masses transgressed the boundaries of justice and finally the boundary of Islam itself."

He further writes in Ishaa'atus-Sunnah:

"After twenty five years of experience I have come to the conclusion that those who leave out the following of an Imaam or Mujtahid eventually leave the fold of Islam." [1]

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١ نزهة الخواطر ٤٥٢/٨

Following one of the Four Imaams of Fiqh

Q: Can you please present to me the proofs from the Qur'aan and Hadith commanding us to follow one of the four Imaams of Fiqh? I believe that we are all followers of Rasulullah ﷺ. Hence Allah Ta'ala obligated us to follow our beloved Rasulullah ﷺ. Rasulullah ﷺ has said in his Mubaarak Hadith: "I leave behind two things; the Qur'aan and my Sunnah. As long as you hold firmly to these two; you will never go astray." From this Hadith we understand that in solving our Deeni matters we should directly refer to the Qur'aan and Hadith. However, if one is non-conversant in the Arabic language and thus unable to extract Shar'i laws from the Qur'aan and Hadith, he may refer to any Aalim of Deen. Why do people emphasise on following one of the four Imaams of Fiqh?

A: Allah Ta'ala commands us in the Holy Qur'aan to refer our Deeni matters to people of knowledge. Allah Ta'ala says:

فَسْـَٔلُوْٓا اَهْلَ الذِّكْرِ اِنْ كُنْتُمْ لَا تَعْلَمُوْنَ

Ask the people of knowledge if you do not know. (Surah An-Nahl 16:43)

From this verse we conclude that each person is not obligated to refer directly to the Qur'aan and Hadith. Rather, he is commanded to refer the matter to a specialist. Furthermore, "consulting a specialist in the field" is not confined to Deeni matters. Instead it is a common principle adhered to amongst all classes of people in worldly matters as well. A patient who has to undergo a major heart operation refers to the most qualified and recognised heart surgeon around. Similarly, the victim who has to appear in court on account of alleged treason or suspected murder employs the services of a professional advocate to defend his case. Each of the above (the patient and the victim) understands the seriousness of the situation and the fatal consequences that follow. Thus they hand over the matter to the most capable person. Similarly, we need to understand that in matters of Deen we ought to follow those who will correctly guide us to the straight path. Allah Ta'ala says:

وَّاتَّبِعْ سَبِيْلَ مَنْ اَنَابَ اِلَيَّ

Follow the path of those who turn to Me. [Allah Ta'ala] (Surah Luqman 31:15)

From this verse we understand that we are obligated to follow the one who will guide us to Allah. If one takes an incapable person as his guide and thus incorrectly practises upon the laws of Shari'ah, will such a person ever be absolved of his obligation in the court of Allah Ta'ala? Definitely not. Rather he will be worthy of punishment for adopting the incorrect procedure in searching for

the truth. Let us illustrate this point through a few examples from the Mubaarak life of Rasulullah ﷺ and his illustrious Sahaabah ؓ. Some of these Ahaadith are:

1. Ali ؓ reports that Nabi ﷺ had dispatched an army and he appointed an ameer over them. During the course of the journey, the ameer became angry with the army. So, he lit a fire and instructed the Sahaabah to enter it. In substantiation, he quoted the Hadith of Nabi ﷺ that the ameer of the army must be obeyed. Some were contemplating over entering the fire whilst the others refused. When they reported the matter to Nabi ﷺ, he addressed those who were contemplating entering into the fire: "Had you leaped into the fire, you would have remained in it till the Day of Qiyaamah." He further said to those who refused to enter the fire: "There is no obedience to the creation when it involves the disobedience of Allah. Obedience is only in good actions." [1]

2. Imaam Sha'bi reports that Hadhrat Adi bin Hatim ؓ related to me that when the following aayah was revealed:

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[1] صحيح البخاري : ٢ / ١٠٧٧ : عن علي أن النبي صلى الله عليه وسلم بعث جيشا و أمّر عليهم رجلا فأوقد نارا فقال ادخلوها فأرادوا أن يدخلوها فقال آخرون إنما فررنا منها فذكروا للنبي (صلى الله عليه وسلم) فقال للذين أرادوا أن يدخلوها لو دخلوها لم يزالوا فيها إلى يوم القيامة و قال للآخرين لا طاعة في معصية الله إنما الطاعة في المعروف.

وَ كُلُوْا وَاشْرَبُوْا حَتّٰى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْاَبْيَضُ مِنَ الْخَيْطِ الْاَسْوَدِ مِنَ الْفَجْرِ

Eat and drink until the white thread of dawn appears to you distinct from its black thread. (Surah Baqarah 2/187)

I took two pieces of thread (one thread was black and the other white). I then placed both the threads beneath my pillow. I stared at the threads for a long time expecting to see the white thread becoming more clear and visible from the black thread so that I may then abstain from eating. However, the entire night passed and in the morning I came to Nabi ﷺ and I had expressed what I had understood from the verse and what I had done during the night. Nabi ﷺ smiled and remarked that if the meaning of the verse is as you have understood, then your pillow is indeed very wide. For indeed the white and black threads implied in the verse refer to the brightness of the day and the darkness of the night. [1]

3. Jaabir رضي الله عنه reports that they were once on a journey when a person amongst them was struck by a rock and suffered severe head injuries. He then experienced a wet-dream (thus requiring ghusl). So he asked some of his companions if there was any concession for performing tayammum.

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[1] تفسير ابن كثير سورة البقرة ١/٢٣٧، سنن أبي داود : ص ٣٢١

> They replied: "There is no concession for you since water is available." Thus, this Sahaabi took a bath and passed away (as a result of making ghusl). When they returned and Nabi ﷺ was informed of this, he said: "They killed him, may Allah kill them. Why couldn't they enquire from those who were knowledgeable when they did not know? The cure of an ailing person (an ignorant person) is to ask. It was sufficient for him to only perform tayammum and bandage his wound. He could have then rubbed his moist hand over it and wash the rest of his body." [1]

In the above-mentioned events we notice that all the people involved were the Sahaabah of Rasulullah ﷺ, the first recipients of the Qur'aan. Undoubtedly, they were conversant in the Arabic language and referred to the Qur'aan. Furthermore, they were more knowledgeable than anyone of us present today. How was it that Rasulullah ﷺ disapproved of what they had done and in certain cases (as witnessed above) he even reproached them severely?

However, there seems to be an outward inconsistency between these above-mentioned incidents and similar incidents where Rasulullah ﷺ approved the actions of certain Sahaabah, though they erred in their judgement. Consider the incident of Bani Quraizah:

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١ ابو داود ص ٤٩

On the occasion of Khandaq, Nabi ﷺ dispatched the Sahaabah to go to Bani Quraizah. Nabi's ﷺ explicit command to this group of Sahaabah was that they should perform their Asr Salaah at Bani Quraizah. The Sahaabah were en-route when the time of Asr was about to expire. A difference of opinion occurred between the Sahaabah with regards to the performance of the Asr Salaah. One group felt that the Asr Salaah should not be delayed, rather it should be performed en-route prior to the time expiring. They understood the instruction of Rasulullah ﷺ "none of you should perform his salaah except in Bani Quraizah" to mean that hasten so that you may reach Bani Quraizah at the time of Asr. Hence the Asr Salaah should not be made qadhaa. On the other hand, the second group of Sahaabah held the opinion that the Asr Salaah should be performed at Bani Quraizah even though the Salaah is made qadhaa as this was complying with the explicit command of Rasulullah ﷺ. When Nabi ﷺ was later informed of the difference between the Sahaabah, he approved the actions of both groups.

The answer to this inconsistency is that there were Mujtahideen amongst the two groups of Sahaabah. Further, it is permissible for a Mujtahid to employ his Ijtihaad in reaching a conclusion. This answer can be understood from the Hadith of Rasulullah ﷺ:

عن أبي هريرة رضي الله عنه قال قال رسول الله صلى الله عليه و سلم إذا حكم الحاكم فاجتهد فأصاب فله أجران وإذا حكم فأخطأ فله أجر واحد[١]

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[١] ترمذي ١/٢٤٧

Hadhrat Abu Hurairah ﷺ has mentioned that Rasulullah ﷺ said: "When a haakim (Mujtahid) issues a correct verdict by means of Ijtihaad he shall receive two rewards and if he errs he shall receive one reward."

From this Hadith we learn that the right of making Ijtihaad is reserved for a Mujtahid. Other than a Mujtahid, any person who interferes in the matters of Deen and reaches an erroneous conclusion will be sinful on account of taking the law into his own hands. But on the other hand, if a person refers the matter to a Mujtahid (one possessing the highest levels of understanding and capability) and he errs in his judgment, both will be absolved in the court of Allah Ta'ala based on the above Hadith. So we conclude that this Hadith and the Hadith of Bani Quraizah are with reference to a Mujtahid, not an ordinary muqallid.

At this juncture the question that arises is that 'who will then qualify as a Mujtahid?' Before explaining who is a Mujtahid, it is imperative for us to comprehend the different levels and classes of people in regard to potentials and capabilities so that we will understand the exalted position of a mujtahid in Shari'ah.

In regard to the knowledge of Deen, people can be categorized into three classes:

The first class of people are those who posses the basic knowledge of Shari'ah. (e.g. Aapas in the maktabs or Huffaaz who have memorised the Qur'aan without studying its meaning). This category's obligation is to impart what they have learnt of the basic fundamentals of Deen. Nabi ﷺ has said:

بلغوا عني ولو آية

Convey from me even if it be one aayah.

Since this class of believers have not acquired sufficient Deeni knowledge to guide others in all branches of Deen, it is impermissible for them to issue Fatwas and verdicts of Shari‘ah. Furthermore, since the knowledge of Deen which they are imparting is confined and restricted, there is no possibility of any addition from their side. Thus there is no fear of any change or distortion coming to Deen. However, in the more intricate matters of Shari‘ah they should refer to those above them who are more qualified.

The second class of people are those who have pursued Deeni knowledge in Madrasahs and institutes under qualified expert scholars. This class of people after qualifying as Ulama, are in the position to issue Islamic verdicts. It should be borne in mind that this class of people though far senior than the first class, however their capabilities and potentials are limited and are far lower than the potential of the third class. The most that can be said about this class is that they have acquired the ability to access the meanings of the Qur’aan and Hadith and convey to the Ummah the message of both (Qur’aan and Hadith). This is applicable to the Ulama of this era. As for the Ulama of the past, there were people amongst them who possessed great treasures of knowledge e.g. Imaam Tahawi, Hafiz ibn Hajar Asqalani, Allamah Nawawi etc. However, despite them having such vast knowledge, when it came to extracting the

hidden meanings of the aayaat and Ahaadith they admitted their incapability and saw the need of following the A'immah-e-Mujtahideen. Nabi ﷺ said:

رب حامل فقه إلى من هو أفقه منه

There are many who disseminate Fiqh to those more learned than them.

رب حامل فقه دون فقيه

There are many who possess the knowledge of Fiqh though they do not have the expertise in Fiqh.

From these Ahaadith we understand that a person possessing a lot of Fiqh does not necessarily mean that he will be able to access the hidden meanings contained therein. Hence when it comes to the aspect of extracting laws and deducing masaa'il or finding amicable solutions for newly developed situations of contemporary issues, they are incapable of this great mammoth task and are highly dependent upon the knowledge of the third class.

The third class of people are the Mujtahideen. Their level of intelligence and understanding allowed them to deduce and source out numerous masaa'il directly from the Qur'aan and Hadith. To give us a glimpse of the calibre of the third class, the statement of Imaam Ahmad bin Hambal رحمة الله عليه is quite sufficient.

A man once asked Imaam Ahmad: "If a person memorises 100 000 Ahaadith, can he qualify as a Faqih (jurist)?" He replied: "No." The person asked: "What about 200 000?" The Imaam once again

replied: “No.” Again the man said: “Then 300 000?” The Imaam replied in the negative once more. The man said: “And 400 000?” This time he shook his palm, indicating that probably now he may be a Faqih, fit enough to pass a Fatwa on his own accord.

We thus conclude that the right to directly deduce and extract masaa’il from the Qur’aan and Hadith is reserved and exclusive for the Mujtahideen. As for those lower than them in knowledge and understanding, and the laymen, it is incumbent that they follow the deductions of these Mujtahideen.

The Status of Taqleed

Q: What is the status of Taqleed (following one of the four Imaams of Fiqh) in Deen? E.g. fardh, waajib, sunnah or mustahab?

A: Following one of the four Imaams of Fiqh viz. (Imaam Abu Hanifah, Imaam Maalik, Imaam Shaafi'ee and Imaam Ahmad رحمة الله عليهم) is waajib-li-ghairihi [1][15] (compulsory) in Deen. The reason for it receiving the status of wujoob is that without Taqleed of the four Imaams, one will not be able to correctly practise upon the entire Deen. Especially in this time and age where we see science and technology at its peak, new inventions and developments have become a norm in current times. In short, the world has evolved to such limits which were never witnessed previously throughout the annals of human history. The progress and advancements of the world in the present era poses a host of challenges before the Ulama. Thus, we find the masses constantly referring their Deeni matters and problems to the Ulama seeking Islamic rulings and guidance due to the unfolding of new events and developments.

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[1] That which is compulsory on account of it being the only medium to fulfilling the Islamic injunction of *Deen*, though it is not directly established in any of the textual proofs of *Deen* viz. the Qur'aan and *Hadith*.

Subsequently, in the face of these challenges we find the Ulama completely reliant and dependent upon the works of the four Imaams. They refer to the books of these Imaams who were blessed with such foresight and illuminated knowledge that despite living approximately thirteen hundred years ago, yet they were able to produce accurate solutions for situations surfacing centuries later. The answers and solutions which they presented were directly sourced out from the Qur'aan and the Ahaadith of Rasulullah ﷺ.

We mentioned that Taqleed of the four Imaams is waajib-li-ghairihi. An elucidation of this statement is that though we do not find any explicit injunction neither in the Qur'aan nor in the Hadith commanding in specific to make Taqleed of the four Imaams, however the Qur'aan instructs us with two injunctions:

1. To follow those who are capable enough to guide us to Allah:

وَّاتَّبِعْ سَبِيْلَ مَنْ اَنَابَ اِلَيَّ

Follow the path of those who turn to Me [Allah Ta'ala]. (Surah Luqman 31:15)

2. To refrain from following our desires and temptations against the command of Allah:

وَلَا تَتَّبِعِ الْهَوٰى فَيُضِلَّكَ عَنْ سَبِيْلِ اللّٰهِ

Do not follow your desires for that will cause you to go astray. (Surah Sawd 38:26)

Keeping the above in mind, we conclude that since it is not possible to find any person in this time and age possessing the capabilities of the four Imaams, it will definitely be waajib to follow any one of the four Imaams. Furthermore, apart from the four Imaams we cannot find any Aalim (even Imaam Bukhaari and others) from the Salaf (Ulama of the past) whose mazhab has been entirely recorded like that of the four Imaams.

Hence, if a person wishes to follow any other mazhab other than that of the four Imaams, it is highly possible that he will incorrectly practise upon the verdict of that specific Imaam due to the necessary details or conditions of his mazhab not being entirely recorded.

Secondly, there is a principle in Shari'ah: مقدمة الواجب واجب i.e. the means which enables one to practise upon an injunction of Shari'ah also receives the status of that injunction. Hence, if an injunction is waajib, the path leading to it will also be regarded as waajib. By the same token if an injunction is fardh, the means enabling one to complete that fardh will also be considered as fardh.

Furthermore, if there is only one possible way or method of fulfilling an injunction of Deen, to a greater extent will that method be waajib, since there is no alternative in fulfilling that injunction.

Let us illustrate this principle through an example. Consider the injunction of Hajj. The obligatory action is that of Hajj. However, Nabi ﷺ commanded that Hajj is waajib only on that person who possess الزاد و الراحلة (a conveyance and provisions). This command of Rasulullah ﷺ is applicable to those who live in Makkah Mukarramah

and the surrounding areas, for whom travelling upon camel-back with little provisions is possible. As for those who live thousands of miles away from the Holy Lands and require transport by sea or air, Hajj will be waajib subject to them affording a plane ticket or a ship ticket with accommodation. In which Hadith do we find this mentioned? If these people living abroad possess a camel and little provisions as in the case of those residing in Makkah Mukarramah, will we say that Hajj is waajib upon them as well? Obviously not! So we understand from this example that on account of the Hajj being dependant on acquiring a plane ticket, the obligation of Hajj is subject to one being able to afford it. In the absence of this, all the Ulama agree that Hajj is not obligatory.

Despite the obligatory action being one and the same for both people, but due to the means of both differing, the cause for its compulsion will differ. It will be impossible for one living abroad to fulfil the injunction of Hajj by depending merely on a camel and meagre provisions.

Similar is the case of Taqleed in this age and time. Since this is the only practical solution in order for one to practise on the entire Deen, one will have no choice, but to follow one of these four illustrious Imaams.

In the past, there were many other mujtahideen who were the contemporaries of these A'immah, such as Muhammad bin Sireen, Hasan Basri, Sufyaan Thauri etc. who were blessed with the highest levels of intelligence and understanding enabling them to deduce injunctions directly from the Qur'aan and Hadith. People would

refer to them as well in their Deeni matters, thereby absolving themselves of their obligation through referring to the Ulama in their Deeni matters. However, with the passage of time the emergence of people possessing the calibre of knowledge of these illustrious Imaams ceased, thus leaving the Muslims with no choice but to refer to the works of their predecessors. Subsequently, when we search the works produced by these great Imaams, we find that besides the four famous Imaams, very little remains of the works of other Imaams in relation to Fiqh. Furthermore, the principles and governing rules that these four Imaams had laid out are such that they cover all situations that arise, whereas, the other Imaams had not compiled such principles. In addition to this, the students of these four Imaams flourished and thereby imparted the teachings and lessons of their Ustaads to the various quarters of the Muslim world. This allowed the Fiqh and mazaahib of these four Imaams to become common and widespread amongst the learned and common folk. Accordingly, these four mazaahib and schools of Fiqh became the subject matter of study and research and great scholars adopted these mazaahib as their school of Fiqh since the deductions of these Fuqahaa covered all aspects of life.

When practising one of these four mazaahib is the only possible way for us to practise on Deen entirely, following one of the four mazaahib will thus become compulsory; not because following these A'immah is an explicit injunction in Deen, but because there is no other route one can adopt whereby he will be able to practise upon the entire Deen without omitting anything. This is the

meaning of waajib-li-ghairihi. (Since following the entire Deen is dependant upon Taqleed, it is afforded the status of waajib-li-ghairihi.)

When we examine the lives of these four Imaams, the glaring feature that we notice is that they strictly adhered to the Mubaarak Sunnah of Rasulullah ﷺ in every facet of their lives. They could be aptly described with the following words: "They were entirely a personification of the Sunnah of Rasulullah ﷺ in every walk of life." If per chance one has to come across any situation where their mazaahib apparently contradicts certain Ahaadith, he will certainly find sufficient substantiation through other Ahaadith, coupled with accurate reconciliations between the Ahaadith not seemingly practised. Their approach to the Qur'aan and Hadith in deducing masaa'il was one strictly governed by principles of Deen. It was certainly not an approach of personal opinion or an approach of 'pick and choose', as is witnessed in this day and age. Hence, one can safely reach the conclusion that these four A'immah (whose mazaahib stood the test of time for approximately thirteen centuries) are worthy of emulation in guiding us to Allah Ta'ala and His Rasul ﷺ.

Thirdly, the sole purpose for Allah Ta'ala creating us and sending us to the world is that we worship Him. Everything else besides His worship (e.g. eating, drinking, transacting, building homes, etc.) is secondary. Since man cannot exist in this world without certain basic requirements (e.g. air, water, food, etc.) Allah

Ta'ala has made these requirements easily available to man so that no obstacle remains in the path of him worshipping his creator.

Similarly, we find that in accordance to the urgency of a need, provisions are made. Consider the most vital requirement of human life i.e. air. Man is in need of air every moment of his life. Hence Allah Ta'ala has made this available everywhere. All that one is required to do is to breath. Similar is the case of food, water, etc. We should understand that, when Allah Ta'ala undertook the responsibility to provide for the material needs of man; can we ever imagine Allah Ta'ala not making adequate provisions for the Deeni needs of man? All these worldly arrangements and provisions we see around us are only facilitated in order that man could serve his creator, Allah Ta'ala in ease and comfort. So the object is not food and drink, instead it is the worship of Allah Ta'ala (practising upon Deen). Accordingly, in order to make the purpose of man's creation possible, Allah Ta'ala allowed great luminaries to be produced in the form of the A'immah-e-Mujtahideen. Hence, we notice that for approximately thirteen centuries the Ummah has held on to the mazaahib of these four great A'immah thereby fulfilling the purpose of their creation.

Furthermore, consider if one hundred people in this time and age begin extracting laws from the Qur'aan and Hadith, each one presenting to the public his personal viewpoint of a verse with each person reaching different conclusions, will we regard this as a service to Deen or a disservice? Will Allah Ta'ala entrust us to our limited understanding and logic? If one prefers to adopt this

method in matters of Deen we can well imagine the detrimental outcome and grave consequences it will create in the Ummah, let alone the confusion and perplexity it will produce in the mind and heart. Thus, the safest and most cautious path to adopt would be to follow one of the four great Imaams of Fiqh whose lessons and teachings have been thoroughly scrutinised and researched. In fact, it would not be incorrect to declare that in order for a Muslim to be able to practise Deen entirely it would be waajib for him to align himself to one of the four mazaahib.

May Allah bless each one of us with the true understanding of Deen and the ability to follow in the footsteps of our pious predecessors.

Moulana Ebrahim Siyalkoti's ill-opinion of Imaam Abu-Hanifah رحمة الله عليه

Initially Moulana Ebrahim Siyalkoti (who was formerly part of the Ahle-Hadith) had an ill-opinion of Imaam Abu Hanifah رحمة الله عليه. Thereafter he began to have a lot of respect for Imaam Saheb. Moulana Ebrahim Siyalkoti writes about himself in his book Tareekhe Ahle Hadith:

"When looking for some mas'alah I went through the books on the shelf. I started checking up the view-point of Imaam Abu Hanifah رحمة الله عليه. After going through different books some reservation settled in my heart regarding Imaam Abu Hanifah رحمة الله عليه.

The effects of evil thoughts within me could be felt around me. It was broad daylight, yet I felt darkness enveloping me. The blackness was thick and compound which was similar to what the aayat says: Darkness one over the other." At the same time, Allah Ta'ala inspired my heart that this is the outcome of your ill-feelings for Abu Hanifah رحمة الله عليه! Repent for your wrong!" Moulana Ebrahim continues: I started reading the words of istighfaar and immediately the darkness disappeared. In fact, it was replaced with such brightness which outshone the daylight. From then onwards

my respect and confidence for Imaam Abu Hanifah رحمة الله عليه continued to grow. I say to those who (don't listen to me and) continue reviling Abu Hanifah رحمة الله عليه, my example with you is the very same which Allah Ta'ala had said to the ones who denied the incident of Me'raaj.

اَفَتُمٰرُوۡنَهٗ عَلٰى مَا يَرٰى

So will you doubt that which he was shown (Surah Najam 53:12)

Hence it is futile for anyone to argue with me regarding something I witnessed in a wakeful state while I was in my senses." (Ikhtilaaf-e-Ummat and Siraat-e-Mustaqeem 2/49)

Moulana Ebrahim Siyalkoti prepared his book Tareekhe Ahle Hadith in which he wrote some history of the seniors of the Ahle Hadith as well as some of the history of the previous Muhadditheen. The book includes Imaam Abu Hanifah رحمة الله عليه amongst the previous senior Muhadditheen. The All-India Ahle Hadith Conference of Delhi was impressed with the book and wished to distribute copies of it. They had one reservation: The name of Abu Hanifah رحمة الله عليه amongst the Muhadditheen!? They asked Moulana Ebrahim to de-list Imaam Abu Hanifah رحمة الله عليه and publish it (without the section of Abu Hanifah رحمة الله عليه). Moulana replied by saying that the name of Imaam Abu Hanifah رحمة الله عليه can never be alienated from the fraternity of the Muhadditheen. [1]

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[1] آثار الحديث ٢/٣٩٤